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Formerly Millard's Review

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ARE THE CHINESE MERCHANTS TO LOSE FACE TOO?

WHEN the negotiations for the release of the foreign captives held by Shantung bandits first started the old Chinese general in charge of the government forces greeted the representatives of the bandits at their first meeting thusly: "This affair has caused the officials of the government to lose face and it has also caused the people of Shantung, bandits included, to lose face. Therefore we had better omit the subject of 'face' from the negotiations altogether." And the subject was dropped and did not again enter into the talk. Now the subject of face returns and this time it is the Chinese merchants who are involved. When the foreign captives at Paozuku mountain were released they brought out with them three Chinese young men, two being returned students from abroad and one a graduate of a Chinese government school. These men had cast their lot with the foreigners, had acted as interpreters and when the foreigners came out they brought the students out with them. It was with sorrow that the foreigners were compelled to say farewell to about twenty Chinese captives who had been taken from the train and goodness knows how many more including a number of children who had been held captive for heavy ransoms for many months before the foreigners got mixed up in the disgraceful affair. When the foreign captives left the bandit camp it was understood that the Chinese captives, including the children, were to be released within twenty-four hours. A large group of Chinese merchants and gentry, who were present at the final negotiations, and who signed the agreement between the government and the bandits, as witnesses and guarantors, assured the foreigners that the Chinese captives were to be released immediately. But they have not been released and several days have elapsed. Among the Chinese civilians present at the final negotiations were representatives of Chinese chambers of commerce at Shanghai, Hankow, Nanking, Tsinanfu and Tientsin and of the National chamber which recently has been formed. The Lincheng affair has brought disgrace to China in the eyes of foreigners everywhere, but the disgrace already suffered is nothing compared to what the future has in store if matters are allowed to drift and the unfortunate Chinese captives are permitted longer to remain in the hands of the bandits. There are some ugly rumors afloat to the effect that the Chinese captives are to be turned over as a special prize to salve the feelings of one or two of the bandit chieftains who were disgruntled at the re-

wards they received when the foreigners were released. It often has been said that the Chinese lack the humanitarian instinct for their fellow human beings that Western peoples have developed. If the Chinese people and especially the chambers of commerce and other organizations now relax their efforts and permit the Chinese captives to remain longer at Paozuku, it will almost prove that the Chinese are devoid of the humanitarian instinct (outside of their own families) and only act for the welfare of their own people or foreigners residing in the land when external force is applied.

WHAT OF THE FUTURE OF THE BANDIT COUNTRY?

THERE is a section of China about two hundred miles square embracing parts of Shantung, Kiangsu, Anhwei and Hunan provinces and running out to the sea which has been more or less under the control of bandits for centuries. The district is mountainous and except for the Tientsin-Pukow railway which crosses from north to south, it is almost inaccessibe except by most primitive means such as sedan chairs, carrier coolies and donkeys. The villages are practically all walled and fortified, almost every mountain top has a crude fort and the status of civilization is about that of Europe a thousand years ago. There is considerable farming and fruit growing of a primitive sort, but every farmer and villager is a bandit in the off seasons. Looting villages and carrying the victims off as hostages is a recognized profession. A stone tablet on the ruined temple at Paozuku, the bandit stronghold near Tsaochwang where the foreign captives were held in the recent outrage, tells a story of banditry running over a period of 300 years. Outside of a little American Presbyterian mission at Yihsien on the railway and a German Catholic mission, there are no schools in the district of any consequence. According to local reports most of the girl children are sold into slavery and the boys become bandits as soon as they are old enough to carry rifles. The compromise methods used in effecting the release of the prisoners in the recent affair provide an incentive for further outlawry, for the reason that the bandits who wrecked and looted the Tientsin-Pukow train on May 6 have been given positions in the army and a considerable sum of money in addition. The bandit chiefs who organized the expedition, from the standpoint of the natives of the district are heroes who have set a high mark in the favorite profession of the district.

THEREFORE something should be done to improve conditions in this important section of China, otherwise no lesson is learned from the present trouble and conditions will become worse. The greatest need of the district is a system of modern roads that would make all sections accessible not only to the railway but also to the sea coast at Haichow the nearest sea port. The provincial authorities of Shantung have an opportunity here to restore their lost "faces" and at the same time do something to prevent future outbreaks of the character of the Lincheng affair which has brought disgrace to the whole nation. It would not be difficult from an engineering standpoint to construct a modern system of roads radiating from the town of Yihsien and extending out to the seacoast. Neither would it be exorbitant in cost due to the fact that practically all road-building materials are in the district. Work of this kind would provide employment for all surplus labor of the district and although not so interesting as freebooting, would gradually have the effect of turning the minds of the people into peaceful constructive channels. But of more importance it would provide a method for gradually getting the country under police control. An American company is now engaged in repairing the channel of the Yellow River elsewhere in Shantung province and in connection with this work has provided employment for approximately 15,000 men for practictically a year. Several hundred of these laborers are reported to have been recruited from the bandits in the neighboring districts. The Yellow River job shows what can be done and it will be unfortunate indeed if the opportunity now presented for some great constructive work in the bandit country, is allowed to pass. For years the Chinese government has been trying to eliminate the bandits by military means. The military official at Tsaochwang recently stated that he had caused more than a thousand to be beheaded in the last year. That this method has been a failure, the recent outrage has shown, for the bandits simply retaliated and there is no question but that the general sympathy of the district was with the bandits rather than the military officials. It would seem that the time has arrived for other methods to be tried and the road scheme suggested in the foregoing is the best that has come to our attention.

How the Captives Were Actually Released

(Written at the bandit chief's headquarters, Village of Sihlih, about 17 miles from Tsaochwang, Shantung Province of China, on Tuesday, June 12, the day the foreign captives were released).

WHEN Swen Mai-yao, the young bandit chieftain brought the news to our prison camp at about 1 o'clock on Monday evening, June 11, that "tomorrow Mr. Anderson sure come to Chief's village," it aroused only mild interest for the reason that we had been receiving this news daily for more than a week. We decided however to take no chances and selected a representative to go to the chief's camp early the next morning in order to be present should Mr. Anderson arrive and to give him the latest gossip we had gotten from the bandit chiefs before he started the final negotiations. The information which we wanted to convey to Mr. Anderson was the fact that the chiefs had decided to ask Mr. Anderson himself to remain a captive with the bandits for a period of at least two weeks after the foreign prisoners had been released. The bandits demanded this as a guarantee of good faith on the part of the government officials that the terms of the compact would be carried out.

Truly it is a sad commentary on conditions in China when a gang of bandit citizens consider the signature and presence of a lone American citizen of more importance than the signatures and guarantees of the officials of the government. As captives we decided among ourselves not to inform Anderson of this new condition, but we were unanimously of the opinion that we would not ask Anderson to make this sacrifice, even though we could obtain our own freedom in this manner.

The conference between the captives and Swen Mai-yao the bandit chieftain on the evening of Monday, June 11 lasted for more than an hour and was typical of many such conferences which had been held in our camp almost daily for practically four weeks. In the midst of the conference young Swen complained of some trouble with his eyes and one of the captives gave him a few drops of argyrol for which he expressed proper thanks. After the conference ended young Swen and his associates decided to remain in our temple camp for the night, the first time they had ever done so. We welcomed them but considered it strange that they should remain with us instead of returning to their own camp some three miles down the valley. After we were released we realized that perhaps young Swen was afraid to go back to the other chiefs because of the antagonism he had aroused among the older chiefs due to his activities in getting the negotiations started and the prisoners released. Young Swen, it may be men-

tioned in passing, was made a major-general in the new "bandit army" and received certain monetary rewards besides.

On Tuesday morning, all of the captives were up at six o'clock and there were many bets placed on the possibility of release that day. Mr. Powell, who had been appointed to attend the final negotiations, accompanied by Mr. Solomon, who acted as messenger and Mr. Hung, Chinese interpreter, departed down the mountain side for the village of Sihliho about eight o'clock and made the three miles over the rocky donkey-path in about thirty minutes. Upon arrival at the chief's camp, it was found that Anderson and the official representatives of the government had not arrived at 9 o'clock as expected, "but were on the way." As a matter of fact they did not arrive until nearly 2 o'clock in the afternoon, the delay being due to the slowness of the carts that were bringing in the new uniforms and the money for salaries for the new "army."

When the long line of sedan chairs accompanied by an escort of about 100 Chinese cavalrymen appeared in the distance Powell and Solomon ran out to meet them and immediately informed Anderson of the new demands and of the further fact that the bandits were insisting that the documents should be sealed with some kind of a "foreign seal." We suspected that the bandits were going to insist that the agreement should contain the seal of some foreign government. but gave no indication that we understood what they were driving at. We always informed the chiefs "that foreigners never used seals when they signed documents," that a signature was "always" sufficient to guarantee good faith.

Mr. Anderson, accompanied by Wen Shih-tsung, commissioner of foreign affairs at Nanking, General Chen Tiao-yuan, occupation commissioner at Hsuchowfu, General Wu, local military officer, the chief of staff of the Shantung military forces and their aids and secretaries and personal guards were ushered at once into the headquarters of the bandit chiefs. This was a mud-wall, straw thatched room about twenty feet long by ten wide and about eight feet high. It contained one door and no windows and only one table. On three sides were opium divans upon one of which an opium outfit was kept going constantly.

The final windup of the long and difficult negotiations was almost as dramatic as the original wrecking of the train and the capture of the foreign and Chinese prisoners. Anderson's first act after entering the chief's headquarters was to approach "Bobo Liu." an old and treacherous bandit chief with many crimes to his record and accuse him of trying to wreck the negotiations by bringing up at the last minute a lot of new conditions and mentioning especially the new demand that Anderson himself should remain as hostage to guarantee the good faith of the government in its promises to the bandits. Bobo Liu then denied that he had ever made such a suggestion and Young Swen also denied that he had ever proposed such an idea. Mr. Wen then told the bandits that unless they had confidence in the negotiations, that everything might as well be stopped at once and the government offials return to their camp at Tsaochwang. Mr. Anderson reinforced this statement of Wen's by putting on his hat and coat and walking out into the courtyard.

General Chen Tiao-yuan then interceded and made a deep impression upon the bandit chieftains by urging the importance of concluding the negotiations and releasing the foreigners. Bobo Liu left the room with his secretary (who is a fugitive from justice for crimes committed in the French Concession in Shanghai six years ago) and while he was gone general Chen got young Swen and one or two other younger chiefs into a corner and talked confidentially for several minutes. While this was going on General Wu and other provincials also held private conversations with the various chiefs.

Wen Shih-tsun, who had remained sitting at the table with writing materials in front of him then unfolded an imposing document and began reading it aloud to the bandits. All stopped talking and listened for the document was the guarantee which was to be signed by the representatives of the chambers of commerce and the gentry and also by Mr. Anderson, that the final terms of peace between the bandits and the government would be faithfully carried out. After he had finished reading the document General Chen then stepped to the center of the room and delivered a short speech. Both Wen and Anderson then made short talks and finally Young Swen stepped to the center of the room and made a short speech in which he announced his decision to sign the treaty of peace and concluded, "I am going to use my new army for the defence of the Republic of China." Before he had uttered the last word, somebody applauded, and this broke the ice. Then Swen signed the document and was followed by one of the provincial generals. Then there was another speech and more applause and more signing by bandits and military officials. Then came the greatest applause of all when it was announced that the carts had arrived with the uniforms for the new bandit army and of greater importance the boxes containing the $50,000 in silver. Then Anderson stepped forward and signed the document and finally all the representatives of the Chinese chambers of commerce and the gentry stepped up and signed as witnesses.

The little room where all of these negotiations took place was crowded to suffocation. for as the negotiations progressed, the bandits who had been standing about the courtyard had drifted in and the Chinese soldiers not to be left out of the show also crowded in, at least one soldier for every bandit. It was a hot day and in addition to the natural stuffiness of the room was added the fumes from the opium pipes in the corner.

After the documents had all been signed and the terms agreed upon to the effect that bandits to the number of 2,500 were to be drafted into the Chinese army and that the chieftains were to receive a total of $87,000 in silver, Mr. Wen then began to press for the immediate release of the foreign prisoners and the three Chinese students who had cast their lot with the foreigners and had acted as interpreters in addition to various other sundry duties such as dish-washing and cooking. Even after all documents had been signed, the bandits were reluctant to part with their foreign "guests" or rather "golden eggs" as the chiefs called us. Finally one of the chiefs wrote something on a little slip of paper about three inches square and handed it to one of the bandit officers, a young chap who had guarded our camp and whom we called "Frenchie" because of his ability to speak French, Solomon, who had been breathlessly waiting this moment seized "Frenchie" by the arm and rushed him out of the room and down the village street in the direction of Paozuku where our fellow captives were awaiting the outcome of the parley. Solomon ran the entire distance of three miles most of the way being up a steep grade and when he arrived at our camp was so out of breath that he could only shout "Free! Free!" This was sufficient, however, for every one was ready to go and that at once. The camp where we had spent so many weary days and weeks was vacated instantly and no sooner done than our bandit guards pounced upon our remaining store of provisions, camp cots, tents, bedding and other equipment. The foreign captives reached the chief's village about 4:30 o'clock and then we lost thirty precious minutes while 25 bandits were dressed up in the new uniforms in order that we might be escorted out in proper style.

How we endured those thirty minutes of delay none of us will ever be able to explain, for everyone knew that we could not consider ourselves free until we were safely outside of the bandit lines. Old Bobo Liu and other disgruntled chiefs were still hanging around and plotting against our release and any little incident might have spoiled everything. After a while our new "military escort" appeared all decked out in new uniforms which they had put on over their bandit rags and with their army caps on top of their straw hats which they refused to part with. Anderson and Wen then gave the order to start and there was no delay and no stop at all for a distance of at least ten miles. Those without sedan chairs or donkeys walked or ran the whole distance of 20 miles into camp.

When we were within two miles of the military lines and absolute freedom, we received the shock of our lives when we were overtaken by one of the bandit officers, our old guard "Frenchie" who stopped us and demanded that all Chinese captives who were with us with the exception of one man, Mr. Hung our interpreter, must remain inside with the bandits. It seems that through some misunderstanding five Chinese captives had come along with us instead of the three students already agreed upon. We stopped to argue with "Frenchie" and all the foreigners interceded, but he was adamant. Finally one of the Chinese returned students, walked a short distance ahead to get another foreigner to go back and intercede for him and instantly he was urged to break away and run for his life. He did so and ran the whole remaining two miles. The bandits had been holding him for a ransom of $100,000, so after Ching got safely through the lines we jokingly told him that he probably had received the highest prize ever offered for a two mile sprint. Another student, a recent graduate of the Southeastern University at Nanking also got away by seizing one of the soldiers horses and riding away unnoticed while "Frenchie" was arguing with us over the retention of the Chinese prisoners. Unfortunately two of the Chinese captives who were in the rear, were seized and taken back, but we did get out with the three students previously promised to us since the bandits had voluntarily agreed to release Mr. Hung.

We wasted no more time and soon passed the military lines and arrived at the military camp. Then the movie men and correspondents pounced on our party and again we were prisoners but we submitted without complaint this time for all were anxious to have their six-weeks old whiskers recorded in the movies. And the movie men had to work fast for the setting sun was only two feet above the mountain tops and daylight was precious. But the movie men who

represented the International and Pathe made up in activity for the weary days they had spent at Tsaochwang waiting for our release. After everybody had been filmed we went into the general's yamen and opened three precious pint bottles of champaign which had heen treasured for this occasion and among those who drank toasts to Anderson, Wen, General Chen and everybody else including "Freedom" was a dignified Amerian army officer who had never tasted anything stronger than water in his life. We hope that our "dry" all-seeing Uncle Samuel will forgive him for this breach of the regulations after nearly six weeks with the Shantung bandits.

The remaining six miles across the valley to Tsaochwang was covered in short order and we arrived in camp at about 8 o'cock. We were then greeted by Consuls Davis, Tours, Crepin and Ferrajolo and various Chinese officials and our other friends, including of course Fritz Modde, the 18 year old electric engineer at the coal mine who was so excited that he greeted us in German, Chinese and English and mixtures of all three languages at the same time. Then we dived into the welcome bath tubs, the first we had seen in nearly six weeks and after that fresh, clean clothes and an honest to goodness dinner, also the first in nearly six weeks. Our trains pulled out at 4 o'clock in the morning, but few of us knew it because we were enjoying an honest-to-goodness sleep between clean sheets, also the first in nearly six weeks.

J. B. P.

Opium

BY H. F. MACNAIR

THE opening of the convocation of the Opium Commission under the auspices of the League of Nations on May 24 in Geneva brings again the old, old question of opium into the limelight of public interest. The United States although not a member of the League sent a delegation to participate in the sessions of the Opium Commission. America's delegates were the Hon. Stephen Porter and the Rt. Rev. Charles H. Brent. The former has been a member of Congress since 1911, and is Chairman of the Committee of Foreign Affairs. Bishop Brent, now of the Diocese of Western New York but formerly of the Philippine Islands, is known internationally, in part for his work in reference to Opium. As far back as 1903-4 he was a member of the Philippine Opium Commission. In 1908 he became chief commissioner for the United States, and President of the International Opium Commission which sat in Shanghai. In 1911 he was Chairman of the United States delegation to the International Opium Conference at The Hague over which body he presided.

On May 29th last Bishop Brent reported to the Opium Commission in Geneva regarding the attempts of the Americans to suppress the opium abuses in the Philippines. He urged the need for international cooperation for the putting down of opium smuggling which is still going on merrily in the islands.

The British delegate to the League conference on opium was Sir Malcolm Delevingne, K. C. B., an Assistant Under Secretary of State in the Home Office since 1913, and British representative on the Advisory Committee of the League of Nations with regard to the traffic in Opium and Dangerous Drugs.

Early in the session the American delegates proposed "that the employment of opiate products for other than medical and scientific purposes should be illegal and that the production of raw opium should be controlled so that there would be no surplus available for non-medical or non-scientific purposes." (*Reuter's Service, China Press*, June 4.) The delegates of Portugal, France, China, Japan, and Holland "approved in principle with certain reservations" the American proposals. The German delegate announced that these proposals are being applied by the law of his country. If this is so it is largely to the credit of the International Opium Association of Peking which at the end of the war in 1918 telegraphed Mr. Lloyd George "urging him to impress upon the League of Nations the importance of restriction of the cultivation of opium throughout the world to actual medical requirements... As a result, enemy countries which, had previously refused to ratify the convention were compelled to do so." [1]

On June 1, Sir Malcolm Delevingne moved a resolution in which the governments of States which produce opium should be invited to begin negotiations looking toward the fixing of a limit of "production of narcotics and for the quantities of raw material imported for the purpose of manufacturing narcotics, and to determine the reduction to be made in imports of raw opium into European possessions in the Far East." (*Reuters* op. cit.) The next day, June 2, the following message came over the wires: "The League of Nations Opium Commission to-day unanimously adopted the amended motion by Sir Malcolm Delevingne on the subject of the United States proposals.

"The resolution provides that the employment of opium in accordance with the usage in India shall be declared legitimate under the terms of the Convention; that the employment of prepared opium shall be held to be legitimate as far as its use accords with Section Two of the Opium Convention; and that the production and export of raw opium shall be legitimate under the terms of the Convention."

In reference to the terms 'raw opium" and "prepared opium" it is necessary to refer to the International Opium Convention which was signed at The Hague on January 23, 1912. Chapter I-Raw Opium begins with the definition:-"By raw opium shall be understood: The spontaneously coagulated sap obtained from capsules of the soporific poppy (Papaver somniferum), and which shall not have been subject to any but the processes necessary to the packing and the transportation thereof." Chapter II-Prepared Opium begins:-" *Definition*. By prepared opium shall be understood: The product of raw opium obtained by a series of special processes, particularly by dissolution, boiling, heating and fermentation, and which is meant to be made into the form of an extract suitable for consumption. Prepared opium comprises dross and all other residues of smoked opium." Chapter III defines Medicinal opium in which is included Morphine, Cocaine, and Heroin. [2]

It is to be hoped that the proposal of the Commission that agreements be secured by the Council of the League for the exact limitation of the manufacture of drugs, and of reduction in the amounts of raw opium imported into possessions in which its usage is still recognized can be shortly carried out. The International Anti-Opium Association has gone to the root of the matter in working on a platform in line with the thought just presented: no amount of lecturing, writing, convening in solemn assemblies, or attempts at policing to prevent smuggling can permanently suppress the opium traffic as long as more opium is grown and manufactured than is actually needed for medicinal and scientific purposes. The way to kill a tree is to cut its roots—not its branches.

Only an honest and thorough administration of international agreements can really abolish this evil. No *Tu quoque* argument can aid in this movement; it is regrettable to read in a recent report dated New York, May 3:-" Chinese police authorities are more successful in checking the activities of opium bootleggers than the police of this country in combatting whiskey bootleggers, declared Mr. C. P. Wang, chief police inspector of Nanking, who is visiting New York as a delegate to the International Police Conference.

"Inspector Wang denied the recent statement of Mrs. Hamilton Wright, assessor of the Opium advisory Commission of the League of Nations, that opium growing, as well as the smuggling of opium, was on the increase in China. " (*China Press*,, June 5.) In spite of the fact that two negatives make an affirmative, two wrongs do not make a right. Apparently Inspector Wang is of the persuasion of the cynical Frenchman who brightly remarked that in the misfortunes of even our best friends there is something not wholly displeasing to us. No one, of course, can deny the prevalence of the bootlegging evil in the United States, but to draw attention from a worse evil by speaking of a lesser is not especially praiseworthy however complacent the speaker may feel.

As for the latter part of the statement—if this is correctly reported—the speaker would have been the wiser by a study of certain reports of the opium situation in this country, and by even the cursory reading of reports from writers and travellers in various parts of China. General Pereira who recently lectured before the Royal Asiatic Society in Shanghai has referred to the opium poppy fields which he came across in his travels in western China. The correspondents of the local newspapers in various parts of the country not rarely write on the same subject. Less than a month ago, for example, from Hofei in Anhwei Province came this report:- "Your correspondent has recently made a trip into the country east of Luchowfu and is greatly surprised at the wholesale raising of opium poppies.

"About three years ago the raising of the poppy was secretly begun, farmers daring to plant small patches in unfrequented places. Last year the raising was much more open. Traveling in any direction from this city one found small fields of poppies. But this year poppy fields flaunt themselves along every highway. It is conservative to estimate that within the twenty li surrounding Luchowfu the poppy raising has doubled.

1. The War Against Opium. The International Anti-Opium Association Peking.p, III, Tientsin, 1922.

2. Cf. J. V. A. MacMurray, Treaties and Agreements with and concerning China, vol. 2, No. 1912/2.

"In some vicinities one fourth the land is given over to opium. It is no longer hidden in the midst of wheat fields, but grown in large and small patches by itself all along the main country roads beginning one li (a third mile) from the city. The Chinese say the poppies are still thicker as one gets further from the city. Standing near the grave, of Li Hung-chang . . . one may count seven poppy fields almost within a stone's throw.

"It is only natural that the farmers prefer raising opium to wheat as the amount of money realised off a given plot is four to five times greater for opium. No attempt is made to stop the growing of the opium as a large part of the land in this 'hsien' used for that purpose belongs to official families.

"Yesterday another telegram was received from the Tuchun asking for forty thousand dollars opium tax. This means that at least sixty thousand dollars must be raised to grease all the palms along the way. This 'hsien' is openly spoken of as the worst in the province for the raising of opium due to the fact that no magistrate dares oppose the many influential families living here.

"The smoking of opium is a common sight. One sees it along the streets, in the homes of prominent families, and on the launches. Almost every small shop along the street sells opium pipes and paraphernalia. Cases of opium suicides are almost a daily occurrence at the local hospital."

Did space but permit considerable other material gathered during the past few years from all parts of China by the Anti-Opium Association of Peking, and by others could be presented to show that after more than ten years of pretty successful efforts at suppression of the trade opium growing is on the increase.

The following account of poppy growing in Kwangtung Province is not merely interesting in itself but illustrates a few of the intricacies of the situation in this country:- "In 1919 when the Northern and Southern forces were engaged in civil war in this province proposals for peace were made but were rejected by both sides because there were 200,000 *mu* under cultivation and each side coveted the gains to be made out of the harvest.

"The manner in which officials have turned opium business to their profit is well illustrated by what has happened at Chao An Hsien in the Kwangtung province. In 1917 the official gave permits to sow poppy on payment of $20 per *mu*. In the 11th month many farmers availed themselves of this opportunity and planted poppy, often making a profit of $30 to $40 on every *mu*. The next step was taken in October 1918 when all the officials published an edict compelling the planting of the poppy. The land including rice-fields was assessed for possible production of opium and a tax was imposed proportionate to the value of the opium demanded. This raised an indignant protest, but in order to obey the edict the plantations of sweet potato and sugar-cane were destroyed. The officials through their underlings sometimes took part in the work of destruction. About six weeks later there suddenly appeared an edict absolutedly prohibiting cultivation of the poppy. It ordered heavy fines and the confiscation of land if any signs of the poppy were to be seen. Squads of soldiers were sent out and the fines paid. Again in November of 1919 the sub-Prefect of Chao An caused the Special Bureau of Agriculture to put forth an order constraining the farmers to plant poppy under the threat of heavy fines on those who should refuse. The farmers were cautious. Some planted while others abstained, and this time the profits were made by sowing the poppy with beans in alternate rows. In 1920 cultivation of the poppy was again forbidden. The people were entirely at the mercy of their military tyrants, who have acted throughout entirely for their own exclusive personal profit." [3]

As for the "ways which are dark and the tricks that are vain" the opium smugglers have nothing to learn from the American bootleggers—they have been on the job many years longer and work with dash and finesse worthy of a better cause. Says Sir Francis Aglen, Inspector General of the Chinese Maritime Customs:—"Opium and other harmful drugs are found hidden in coal cubicles, in coal cars, in the steel piping of railway cars . . . An innocent-looking Japanese rug is discovered to have the warp made of paper cylinders filled with opium—a sedate Chinese gentleman carries a bird cage with a live bird gaily singing over a false bottom filled with the drug. . . . Five tons of poppy seed are found at Wuchang having been shipped by rail from Mukden in military stores over which the Customs has but little control and consigned to a military General—an old Chinese woman boards a steamer at Canton with a basket containing a cat with five newly born kittens; the mother is very solicitous of their welfare even though they are dead and stuffed with opium....

And so the story might be continued *ad infinitum*. Only those who have participated in the fight against such a traffic or who have studied the passing phases of the question during the past three quarters of a century and more in China can have any clear idea of the forces involved or the issues at stake. Enough has been said however, to show that the hydra-headed opium question is by no means settled at least in the Far East. And every new gleam of light thrown on the subject serves to show more clearly that it never can be settled without the honest and cordial co-operation of the Powers, and the prohibition of growing and manufacturing of more opium than is needed for the legitimate demands of science.

3. Same as Note 1: p. 31,

Agriculture in the Economic Life of the New China

BY JULEAN ARNOLD*

(*American Commercial Attache*)

IT will be helpful to those interested in modern agriculture in China to know something of the development of the Department of Agriculture of the United States. American people of today are often inclined to look upon institutions which they have with them now as having been with them always. Probably there is no department of the United States Government which has had a more significant growth than the Department of Agriculture. A very interesting article on the rise of the Department of Agriculture appeared in a recent issue of the "Commercial and Financial Chronicle" of New York. This article makes the statement that it is a peculiar circumstance that the first practical steps toward federal encouragement of agriculture grew out of the early practice of the United States consular offices sending to Washington specimens of foreign seeds, plants, and domestic animals. At this time the Patent Office was in the State Department and the Commissioner of Patents voluntarily assumed the responsibility of receiving these articles and distributing them to the farmers. Apparently the first appropriation by Congress for native agriculture came in 1839 sixty years after the founding of the Republic when $1000 were allowed for the collection of agricultural statistics and for agricultural purposes. This was in a sense the beginning of the Department of Agriculture. "Collecting Agricultural Statistics" received repeated appropriations of various insignificant amounts annually until May 15, 1862, when there was created the Department of Agriculture without, however, cabinet status. In the meanwhile there were organized a number of local and state agricultural societies, which, by 1861 numbered about one thousand. It was in 1852 that the first national meeting of delegates from various agricultural societies was held in Washington and a national organization formed. It was not until February 9, 1899, that the Department of Agriculture had a representative in the Cabinet. However, the history of the development of the Department of Agriculture reads like a romance. Starting out with an appropriation of $ 1000 in 1839 and only one employee in 1841, it was developed into an organization which now carries an annual budget in excess of $ 150,000,000, employing over 20,000 persons. The Department of Agriculture now embraces the Weather Bureau, the Bureau of Animal Industry, the Bureau of Plant Industry, Forest Service, the Bureau of Chemistry, the Bureau of Soils, the Bureau of Entomology, Biological Survey, States Relations Service, Office of Experiment Stations, Bureau of Home Economics, Bureau of Public Roads, Bureau of Agricultural Economics, and the Federal Horticultural Board. In addition, the Department is charged with the enforcement of a large number of Acts of Congress, such as the Futures Trading Act, Packers and Stockyards Acts, Insecticide Act, and some others It has also charge of the administration of a number of funds relating to education and forest work.

Secretary of Agriculture, Mr. Henry C. Wallace, describes the extension work of the Department of Agriculture as follows:

> "Fifteen years ago country agricultural agents, home demonstration agents, boys' and girls' club agents, were practically unheard of. Today these workers comprise a large organization. A very large percentage of all the farmers in the country are now in personal contact with this extension force. About 4,000 persons are employed in co-operation with the State agricultural colleges. Agricultral agents are employed in about 2,100 counties, home demonstration agents in 800 counties, and club agents in 200 counties. In addition, there are 750 district agents and speciaists in the preparation of subject matter to cooperate with the county extension workers. It is estimated that through the extension personnel the department comes in contact with about 2,500,000 farmhouses. The 491,000 boys and girls enrolled in club

*(Address delivered before the North China Agricultural Conference May 18, 1923.)

work report products valued at more than $7,000,000. There are 272 colored field agents to aid the negro farmers. The Federal Government spent $7,000,000 in extension work, to which was added $9,700,000 of State money.

"Information is being sent to the people through bulletins pamphlets, periodicals, motion pictures, exhibits at State and district fairs and mimeographed material distributed to the press. There has been a big demand for publications of the department during the past year, no less than 650,000 requests for publications having been received in addition to 35,500 from members of Congress. Fifty-eight new farmers' bulletins were printed, aggregating 1,738,379 copies; while 525,000 copies of new department circulars were printed. During the fiscal year the publications of the department reached a grand total of 36,026,334 copies.

"The department has found that educational motion pictures are growing in favor. Twenty-one films were revised, thirty-three new films were completed and work was begun on twenty-eight new subjects during the year. The department now has a total of 547 reels available for distribution. They are circulated by the extension workers and the schools and are shown to audiences of between four and five million persons. The pictures teach lessons in farm improvement that might never have been learned by any other method. The department exhibits were displayed at more than sixty fairs, expositions and special shows, at which the total attendance was more than 4,000,000."

The ordinary revenues of the Chinese government aggregate about $ 400,000,000 (silver), hence the annual budget of the United States Department of Agriculture is equivalent to nearly three-quarters of the entire ordinary revenues of the Chinese government. It would seem that with this generous support and with the very diversified organization and extensive personnel the United States Department of Agriculture has about reached its limits of growth. Nothing is further from the fact than is this, for the Department of Agriculture as it functions today may be considered young in light of the developments which the future will bring in the service it will have to render the American public.

It must be borne in mind that in addition to the United States Department of Agriculture many of the forty-eight states of the Union have their own state agricultural departments, some of which are very liberally supported in their extensive labors in furtherance of the agricultural interests of their respective commonwealths. Furthermore, forty-eight agricultural colleges and the departments of agriculture of various universities, representing expenditures of tens of millions of dollars and a student enrollment of tens of thousands of students, assist in spreading the gospel of applied science to the handling of the resources of the soil.

I have prefaced my remarks by a description of the development of the United States Department of Agriculture because physically the United States and China are very similar. The two countries are nearly the same in area, representing in each a huge continental expanse, with the great Yangtze Valley possessing many of the physical characteristics of our Mississippi Valley. Both China and the United States possess agricultural resources sufficient to meet the needs of their own peoples and with surpluses for exports to countries not so fortunately favored. The United States exported agricultural products during the year 1921 valued at over $2,000,000,000 gold, or about $1,000,000,000 gold in excess of its agricultural imports. China's entire import and export trade in all commodities for that year was scarcely more than $1,000,000,000 gold.

Agriculturally, China probably has far more to learn from the United States than from any other section of the world, as the problems which she has to meet are not dissimilar from those with which the people of the United States have been grappling for some decades past. Many of these problems in China are more acute and are greatly accentuated by the heavily congested population confined to certain areas of the country. A third of America's population lives on farms. Probably 80 percent of China's population depends directly upon agriculture and may be rated among the farming population. It is estimated that each American farmer and farm laboror is feeding nine persons other than himself in the United States and one person abroad. I should like to know how many persons each Chinese farmer and farm laborer is feeding, and in terms of American standards of living, what would be the relative productivity of the Chinese farmer of today. Secretary Wallace tells us that the American farmer produces 44.41 times as much food stuff per man as the Italian farmer, 2.5 times as much as the French farmer, twice as much as the Belgian, and 1.5 times as much as the German. He tells us at present that the average production of cereal per person engaged in agriculture in the United States is 12 tons and for the rest of the world about 1.4 tons. According to the latest census the average investment in land, building, equipment, and other items was more than $12,000 per farm, and an aggregate capital investment of $78,000,000,000, which represents the nation's biggest business.

We are unfortunate in that we are not able as yet to secure similar figures in regard to Chinese farming conditions as they would certainly show us some very interesting contrasts.

It seems very strange indeed that in spite of the fact that agriculture has been elevated to a very high position in the life of Chinese people through the practice of the emperors through successive dynasties of exhibiting and proclaiming the highest respect for agriculture and the agriculturist, and as is commonly known, the agriculturist in Chinese society has occupied socially a position next after the scholar, and higher than the artisan or merchant,—in spite of this importance attached to agriculture, the Chinese educational system through all these centuries and decades had not developed a more scientific conception of agriculture. What is still more deplorable is the fact that the Chinese of today apparently fails to appreciate the significance of the study of scientific agriculture to the present educational system of the country. I am disappointed in that our missionary organizations in China have not elevated the subject of agriculture to a more prominent position in the curricula of their various schools and colleges. I have read rather carefully the study made by the Educational Commission representing the mission boards and societies conducting work in China on the subject "Christian Education in China" as published in 1922. There is to be found in this report a chapter on agricultural education but the splendid recommendations set forth in this chapter seem to play a very small part in the summary or regional recommendations at the end of the report. In my opinion, agricultural education is so important to the future of the Chinese people that our missionary societies could well afford to devote at least 50 percent of their efforts and financial resources in an educational way to the encouragement of modern agricultural education in China leaving the bulk of the academic educational work to the Chinese, who are by tradition and heritage academic. It is true that a very commendable work in agricultural education is at present being done at such missionary institutions as the Nanking University, Canton Christian College, and the Yen Ching University, but the aggregate of personnel and funds devoted to agricultural education is lamentably small considering the crying need of improvements in Chinese agriculture and betterments of conditions among the agricultural classes.

In place of making the arts department of missionary educational institutions the center about which all else revolves, the agricultural and other applied sciences departments should be, during the present decade at least, assigned the places of importance, and the necessary cultural work incorporated into their curricula rather than to maintain colleges of arts and sciences as such. The Chinese student of today needs to be trained in scientific research. This also applies to the Chinese students abroad. A Chinese student in a Western University who takes his Master degree in some such subject as Old English during these years when the cry goes up from every corner of China, pleading for men prepared to be of real practical service to their country, to assist in raising the Chinese people from their present deplorable economic and political conditions, is false to the best interests of his people. Education in China today should aim to train men and women to meet the demands of their environment and not, as is more often the case, unfit them for their environment.

As for the Chinese government it is hardly to be expected that during the past few years of turbulence and disorganization, the Department of Agriculture and Commerce would be in a position to render any very effectual services in furtherance of agriculture. The financial situation of the Central government has made it impossible to set aside any considerable sums for agricultural work. It is, however, interesting to note by way of comparison with what the United States Department of Agriculture is doing for the development of agriculture in America that the Chinese government is spending probably less than $150,000 (silver) a year in agricultural development work. As stated above, the budget of the United States Department of Agriculture amounts to upwards of $150,000,000 gold a year. When we take into consideration the fact that China's history dates back 5000 years and through the entire course of its history, agriculture has occupied a prominent place in the life of the nation, the contrast between what the United States government with one quarter of the population is doing for its agricultural interests, although the United States has but 150 years of history this contrast is very significant, indicating very clearly China's present backwardness.

It is estimated that 80 per cent of China's population is embraced in the agricultural class. This is twice the percentage of the farm population of the United States. In other words it takes 80 per cent of China's population to feed the country compared with 40 per cent in the United States When we contrast the manner in which the people of the

United States live with the conditions of the masses in China it is patent that the Chinese people are lamentably poorly rewarded for their labors. Probably in no other country on the face of the earth today are there the appalling economic wastes as we find in China. Famines and brigandage in China are in my opinion due to economic ills rather than political disturbances. The deplorable political situation in China today is the resultant to a very considerable degree of bad economic conditions. Hundreds of people have joined marauding armies or turned brigands not so much from choice as from necessity.

The Chinese people are naturally industrious. They have developed a remarkable society based on the family as their unit. There is no dominating landlord class in China. The land is held in small parcels and probably 75 per cent of the agricultural population live on the lands of their respective families, thus it may be said that they are rooted to the soil. This has resulted in an encouragement of thrift and an ambition to equip their children to become influential members of society. It may be said that they are imbued with high educational ideals and by nature inclined to peaceful pursuits. Mentally and physically they possess the potentialities of any other peoples, and they are essentially democratic.

It is apparent, then, that it is nothing in the inherent qualities of the Chinese individual making for the unfavorable economic situation obtaining among the agricultural masses. That China suffers periodically from famine and floods, that the great masses are only one jump from starvation reflects upon the thinking people and the educational and governmental agencies in China at the present state of modern civilization.

It seems that there has been a tendency on the part of many interests in China, to overlook the very important bearing of the economic situation upon all other phases of the life and institutions of the Chinese people. It would seem that the time has arrived when Chinese and foreigners whose business or professional interests are dependent for their greater success upon improvements in the political conditions in the country could well take cognizance of China's great economic needs and possibly develop some cooperative measures which may help to improve this economic situation, especially as it pertains to the great agricultural classes, upon whom the prosperity of the country depends in such a large measure.

Probably the first great need to the agriculture of China is economic transportation, i. e. railways and good roads. About 6/7 of China's population is congested in 1/3 of the area of the country and hundreds of thousands of square miles of arable lands remain unsettled and undeveloped because of lack of railways.

Hundreds of millions of dollars have been added to the annual wealth production of China through the construction of railways in Manchuria. The resources of Manchuria have only been scratched. A few thousands of miles more of railways in that great agricultural empire will open tens of thousands of square miles of rich lands to settlement and development. The rise of the soya bean from a position of obscurity in China's trade twenty years ago to one of second in importance in her exports, is due in the main to developments in Manchuria in economic transportation. Similarly hundreds of thousands of square miles of arable lands in Mongolia await railways to millions of settlers.

Wheat in the Wei Basin during ordinary years sells for 40 cents silver a bushel. The flour mills at Hankow, less than 800 miles away, two years ago, when there was a shortage of wheat crop in the Yangtze Valley, purchased wheat from Seattle at upwards of $1.00 gold a bushel; transported it 6,000 miles across the ocean; then, 600 miles up the Yangtze and delivered it at Hankow, cheaper than wheat could be delivered from the Wei Basin where it sold for less than 50 cents silver a bushel.

(*To be continued in an early issue*)

National American Holiday

For the celebration of the Fourth of July by the American community in Shanghai, a permanent committee has the plans in charge, headed by Edwin S. Cunningham, U. S. Consul-General. The committee consists of a representative from each of the leading American organizations of Shanghai. The program for the day consists of the hoisting of the American flag at the U. S. Consulate-General, followed by a reception tendered by the Consul-General to all Americans, from 11 a. m. to 12: 30 p.m. This reception is expected to be the largest this year as men and women are both included in the invitation.

The American Club will be at home to its members and their men friends from 12:30 to 2:30 o'clock. A baseball game will be played during the afternoon between the *U. S. Huron* team and the Shanghai team to begin at 3: 30 o'clock, followed by a garden party for the American community on the Recreation grounds.

Discipline: the Supreme Necessity for Chinese Institutions

BY V. P. TING

ONE of the momentous questions that is confronting the minds of the educators of the Republic of China nowadays is discipline. It is because of the lack of the spirit of discipline on the part of the students that modern teachers say that they have been prevented from driving their educational enterprise to its fullest point of perfection. It is because of the neglect of the spirit of discipline that, there have been constant riots and upheavals in various schools fermented in consequence of very trifling things. It is because of the contempt shown on the part of not a few students against the spirit of discipline, that, instead of obedient and humble students, many of our modern schools have turned out no less riotous and anarchical fools than well-educated men, and that some of them have got used to ousting any school authority, whether he be a a president or professor, from his position by means of mob rule, just to vent their grudge or jealousy against him, thereby marring the general welfare of the center of learning, wherein they are receiving protection and intellectual nourishment. Nay, it is because of the utter disregard of the spirit of discipline indicated in the student world that our schools are going to the dogs nowadays.

What means discipline after all? By discipline is meant the training according to rule or drill? Consequently, there is discipline in the government, in the army, in the navy, or in any kind of organization, whether of ecclesiastical, educational, social or governmental nature. The absence of this essential spirit means, without a modicum of doubt, the failure of that particular organization to live up to its ideals and to become an efficient institution for the general welfare of the community in the training or drilling of its members toward the same aim and purpose.

China, in her ancient scholastic days of Confucius and Mencius, was especially noted for the disciplinary spirit of the disciples of these two great teachers and sages. In those days of yore, the Chinese typical scholar took it as one of his essential responsibilities and proper qualifications to be filial to his parents and obedient to his teacher. He was not allowed to slight his parents' command, nor to look down upon his teacher or elder. That was the reason why there were the statements to the effect that "the strong-bodied, during their days of leisure, shall cultivate their filial piety, fraternal respectfulness, sincerity, and truthfulness, serving thereby at home, their fathers and elder brothers, and, abroad, their elders and superiors" and that the true gentleman should be the man, who, "at home, is filial, and abroad, respectful to his elders."

Now, where is this pearl of Chinese scholastic virtue to be found? Where is it to be heard of today? Can we find any trace of this precious pearl in any of our so-called new and progressive schools nowdays? Unfortunately, it has lost its influence and voice by virtue of the fact that in the present schools, with the introduction of the so-called Student Self-Government system, the channel through which they can impeach or oust their school authorities or elders at the mercy of their sudden whims and momentary excitement, the voice of the schools is actually the voice of the students themselves. Nay, the students have actually made themselves the dictators of the school authorities out and out.

Ever since the Student Movement, there has been developing a spirit of over-progressiveness and self-importance on every hand amongst the students. In almost any and every school nowadays you may hear this voice of "liberty, equality, and fraternity" and of "democracy" ringing boisterously and mobbishly in your ears and see actions resulting from the complete misinterpretation of the word "liberty" on the part of the over-progressive and haughty students. Whenever a president has expelled a few unruly students with a view to promoting the spirit of discipline, the whole student force of the school rises up to declare, as it were, its great war against him. Whenever any professor is too strict in the awarding of credits for ordinary tests and examinations, they never spare their efforts to oust him, so to speak, as "an autocratic pedagogue" or "an anti-democrat" In other words, the students have become too overbearing and unceremonious.

Such a state of affairs has been brought about by the mad rush for everything over-modern and over-progressive on the

one hand, and by the utter disregard and contempt shown on the part of the hot-headed students against the traditional spirit of their former brothers, namely, that spirit of cultivating their "filial piety, fraternal respectfulness, sincerity, and truthfulness, serving thereby, at home, their fathers and elder brothers, and, abroad, their elders and superiors" on the other.

There is no denying the fact that this spirit of the ancients ought to be given an opportunity for its immediate revival and that young students ought no longer be allowed to exercise free play of their mobbish spirit from now onward.

Let one and all of the modern educators of the Republic of China remember that discipline is the supreme necessity for Chinese educational institutions, especially nowadays, and that a mere amount of general education *minus* the spirit of discipline is nothing more nor less than a white-washed sepulcher! Let one and all of us labor with might and main towards affecting an immediate revival of the spirit of discipline, thereby facilitating our project of making real men for the nation, and regaining the former glory and prestige of our forefathers and sages!

China's Humiliation Day

BY SIDNEY L. GULICK

IN all the important centers in China, on May 7 or 9, students and merchants observed Humiliation Day, a special holiday being granted for the purpose. In Peking and in the North, May 7 was the day observed, this being the day on which in 1915 the Japanese government presented to China the now famous ultimatum. That ultimatum brought to an end the prolonged conferences that followed the presentation of the "Twenty-one Demands." May 9 was the day on which President Yuan Shi-kai accepted the terms of the ultimatum. This would accordingly seem to be the logical Day of Humiliation.

The writer was privileged to be an observer of one of the many meetings held by students in Shanghai. Some 1,600 were packed into a room that might comfortably accommodate 1,200. The meeting lasted about four hours; two speakers occupied an hour, while three dramatical performances occupied the remaining three hours. The first speaker, Dr. George C. Hsu, an intimate friend of Dr. Sun Yat-sen, gave a history of the Twenty-one Demands and an argument to show that they were illegal. The second speaker, wife of a former Cabinet Minister, decribed the fate of Korea under Japanese rule.

Most of the plays were quite short, mere preludes to the real performance that lasted over two hours. All the plays were put through with tremendous seriousness, though bubbling over with humor at many a point. Several given were of the following nature:

The Delapidated Umbrella

Enter a Chinese dude dressed in the latest western fashion, his trousers well creased and wearing a light rubber rain-coat. After some rather humorous and caustic remarks with which he was himself manifestly well pleased, a middle-aged Chinese gentleman enters carrying a delapidated umbrella, badly torn and some of the ribs hanging loose. The youth begins to ridicule the umbrella and the bearer; after satisfying himself with his sarcasm and scorn, he asks the gentleman why he does not go to the Japanese store and get an umbrella that is an umbrella. To this the gentleman replies that he will never buy anything Japanese. This leads to a discussion in which the gentleman tells the story of his beloved country, symbolized by the delapidated umbrella, the ribs being the people who do not work properly together. The only way to save the country from utter destruction is to buy only Chinese made goods and for all to help.

As the dialogue goes on the sarcastic and frivolous youth begins to see the plight of his country and to realize how blind he has been and to feel that he has himself been doing wrong. Presently he begins silently to weep and then to cry, and before the close he is on his knees bowing to Heaven for forgiveness and vowing while sobbing hysterically that never again will he buy anything Japanese.

The Murdered Peddler

In this play all the actors are girls. It begins with a mother in her home sewing diligently for her living and that of her son, bewailing her hard life and the degredation and increasing poverty of her country because of the arrogant and plundering Japanese. In rushes her fifteen year old son, dressed as a Boy Scout who tells in excitement of the way in which some Japanese had broken up their Humiliation Day Parade, and had scolded and ridiculed and beaten them. This leads the mother to tell the boy about the bad Japanese who were seeking to subdue and annex China, and that he should always be against them and find some way to drive them out.

The next scene opens with a simple peddler selling Japanese toys. Presently a Japanese appears who knows the peddler and his simple trustful spirit. After some banter he borrows from the peddler five dollars promising to return it after ten days with the ten dollars borrowed a few days before. (This was an allusion to the lease of the Liaotung Peninsula). After some intervening scenes the peddler and the Japanese meet again when he asks for the return of her money; he denies that he never borrowed any; this leads to a scuffle in which the Japanese beats and kicks the peddler, knocks him down and carries off his basket of wares.

While the peddler is struggling to rise, a leg and an arm being broken in the scuffle, the Boy Scout enters. He asks the trouble, gets the story and is filled with anger. The peddler dies. The Japanese then re-appears with the basket. A violent discussion develops, the Boy Scout charging him with stealing the peddler's money and then with killing him, which of course he denies vigorously. Another scuffle takes place in which the Japanese is thrown to the ground and completely defeated by the boy, who then carries off the peddler's basket.

The titles of several of the other plays were: "The Profligate Brothers," and "The Salute to the Flag."

Business Men's Monster Mass Meeting

Perhaps even more significant than the students meeting described above was a monster meeting of Shanghai business men sponsored by the Shanghai Chamber of Commerce. Two hundred organizations were represented and over ten thousand were stated to have been in the audience, most of them standing through the protracted meeting. The emphasis of the speakers was "against Japan's refusal to abrogate the remaining portion of the Twenty-One Demands." It is highly significant, however, that the importance of the present government was also heavily scored.

A school principal was one of the main speakers, who declared that the true humiliation of the day was that of the militarists, because that though they have hundreds of thousands of soldiers at their command, they cannot protect a single railway, as shown by the bandit raid upon the Peking train four days before, when some thirty foreigners and 200 Chinese were carried off to the mountains after the train had been completely looted. The humiliation also is that of the members of Parliament, because of years spent in filibustering, and practically nothing had been done on the Constitution. The humiliation also is that of the people because they had continued to tolerate all this outrage and negligence without protest and resistence.

Real Meaning of Anti-Japanese Movement

One cannot but sympathize with the Chinese students and people in their efforts to assert national rights and express their national self-consciousness. By these demonstrations and mass meetings and dramatic presentation of their national plight and earnest aspirations, China is creating for herself a soul. Public opinion is now beginning to find itself, a step of the utmost importance, if China is ever to become a truly self-governing nation, a nation able to stand four-square with the nations of the world on a basis of equality. The nation is beginning to discover what its true position is among the great nations of the world, a position of ignoble impotence and utter lack of influence. Many are beginning, moreover to see that the real cause of this humiliating situation is the venality and incompetence of so many of her political leaders and the unpatriotic indifference of her merchant and middle classes. To so many of them, public responsibility is regarded as private opportunity. Some are seeing and saying that the whole Chinese system and theory of government is fundamentally wrong. They are also beginning to see that the dense ignorance of the masses is a terrible load and a frightful obstacle to China's taking her proper place among the nations.

China's leaders are accordingly setting themselves to the task of awakening the people and of developing among the masses a sense of shame along with the feeling of patriotism. The anti-Japanese agitation is the easiest and the most natural line of attack; the objective is concrete; the humiliation is manifest and easily pictured and proved. Great changes are already evident in the spirit of the people. Millions of people are being welded into a nation with a patriotic sense of unity and honor. They have their national flag and they salute it. They have an anthem and they are learning to sing it. The rising generation is studying world geography and history and are learning to look upon themselves somewhat objectively, with the greedy nations of the world as a background.

All this is being done without any authoritative leadership, such as Japan has enjoyed for two generations. But voluntary leadership is springing up in every center. Of course it is more or less crude and often inadequately

informed. But the significant thing is that the leadership is developing and experience is bringing sobriety and sanity. No reports have come in of violence, so rife three and four years ago; stores have not been raided; demonstrations are orderly. But there is no less of conviction and deep purpose. There is less of unreasoning passion, more of clear understanding.

The present boycott is apparently led primarily by the merchant class, where-as three and four years ago students were the principal leaders. The economic motive is more active now. It is still too soon to know how effective the present boycott really is; some months and perhaps even a year may be needed for the necessary statistics to throw the light required for an answer to this question. It is somewhat disconcerting to receive the most contradictory statements by persons living in the same city, as to the spirit and the effects of the movement. An investigator having a theory to prove could easily prove it by competent witness.

Japan's New Policies and Anti-Japanese Agitation

The strength of the present anti-Japanese agitation is somewhat surprising to an onlooker in view of the recent adoption by Japan of a fundamental change in her policies toward China. This change was first manifested at the Washington Conference and has been consistently carried out since by a number of notable events, the transference to China of the railway, the wireless plants and other properties in Shantung, the withdrawal of troops from Hankow, the dismantling of the wireless plant at that place, and the closing of all Japanese post offices in China. As a result of these new policies there was for a few months an apparent lightening of the tension of Chinese feeling toward Japan. Japan had hoped that her actions and her friendly policy would be really appreciated by China, and be regarded as evidences of her desire to be fair and friendly. She regards what she has done as not merely right but as truly magnanimous.

Chinese agitators, however, look upon these transactions in a different light. Japan, in their opinion, has merely returned stolen goods and deserves no special thanks. She has in fact returned only a part of her wicked profits by the Twenty-one Demands. Her insult to China at that time and the humiliation suffered by China still stand. If Japan wishes China's friendship, let her return the whole. Let her wipe the slate clean of that humiliating transaction and the obnoxious Demands. Let her do something that is positively generous. The lease of Liaotung expired in March: if she wants to be friendly, why does she not return it? Continued possession is a violation of China's sovereignty and is not friendly. Evidently she has no change of heart. She only recently added insult to injury by her flat rejection of China's request for a conference in regard to Liaotung and the lapsed lease.

The new anti-Japanese agitation thus takes no notice of what Japan has already done. It concerns itself with only what more she should do. These agitators apparently believe that world-opinion agrees with them and will shortly force Japan to restore Liaotung as it forced her to restore Shantung, for they regard this latter act as a matter of compulsion rather than as due to the rising tide of liberal public opinion in Japan herself.

Chinese and Japanese Divergent Contentions

The diverse viewpoints and contentions of the Chinese and Japanese are highly suggestive. The Chinese statement starts with the violation of international principles and good neighborliness by Japan in presenting the Twenty-one Demands forced through by an ultimatum, taking advantage of Occidental preoccupation in the great war to humiliate and rob China and to steal a march on the nations of the West. It also emphasizes the point that the so-called treaties resulting from the ultimatum were never ratified by the Chinese Diet as required by the Constitution and that they have no standing in international law or in the Chinese Courts. So far as China is concerned they have no existence and Japan's continued holding of Liaotung is a wanton violation of China's sovereignty.

The Japanese statement, on the other hand, starts with the Sino-Japanese treaty of 1895 by which Liaotung was ceded to Japan, the result of the China-Japan war. An ultimatum, however, from Russia, Germany and France at once forced Japan, under duress and without war, to return it to China. In less than three years China treacherously gave it to Russia and in seven short years Russia's encroachments in Korea precipitated that war with Russia in which Japan had to fight with that giant of the north for her very life. It cost her $2,000,000,000 and 100,000 lives. Although the new ninety-nine year leasewas made (1915) in the treaty secured by the ultimatum, it is not for that reason illegal or invalid in international law. So far as Japan is concerned it was accepted by China's chief and lawful representative, President Yuan Shi-kai, and is, therefore, legal and binding on China.

But wholly apart from the legal aspects of the question, can Japan wisely again return Liaotung to China under present conditions in China and in Russia? If returned who would have it? The Peking government which has no authority or influence outside of the city itself? To Wu Pei-fu, one of the military barons seeking to become the military dictator of China? To Chang Tso-lin, another military Baron and dictator! And what assurances could China give that the whole area would not ere long come again under Russian domination? Who can tell what Russia will be doing in the Far East ten or twenty years hence especially if Japan withdraws from South Manchuria? And can China take proper care of the great property Japan has so skillfully developed and provide for a proper payment to Japan for the same? Can China give any credible guarantees that Russia will never again menace the life of Japan by aggression in Manchuria and in China herself?

Enmity or Friendliness

China and Japan are evidently looking at quite different sets of facts, each jealous for its own interests and honor and thinking little of the needs and honor, the hopes and fears of the other. Important Chinese leaders have assured the writer that the Chinese people wish to have friendship with Japan but that it is impossible on a basis of humiliation and dishonor and violation of China's sovereignty. Many Japanese, likewise, have assured him that the Japanese desire friendship with China, but that for this a stable, reliable and efficient Chinese government with which they can deal and on which they can rely, is essential.

It would seem as though some method might be found and some mutual agreements might be devised by wise statesmen that would remove the sense of humiliation undoubtedly felt by China's young millions in connection with the Twenty-one Demands, and that would also assure Japan that she would not again be exposed to the danger of a fresh struggle with Russia, in the decades not far ahead.

With the fundamental and vital needs of each nation satisfied, the financial and administrative questions concerning the Manchurian Railway and Liaotung might be adjusted to their common satisfaction and profit. The real problem seems to be how to find the leaders in both countries that have the vision and the constructive initiative. The permament welfare of these two Far Eastern peoples depends on the appearance of these leaders of broad vision and effective statesmanship. Their interests are inseparable; they need each other. Where are the needed statesmen on both sides?

Fifth of American Trade with Orient

The Orient now claims a fifth of the entire foreign trade of the United States, according to F. R. Eldridge, Chief of the Far Eastern Division of the Department of Commerce, who has just compiled the 1922 figures. The proportion of American trade with the Orient has nearly doubled since 1913. Heavy exports of silk from Japan and China; rubber and tin from the Straits Settlements; wool from Australia; tea, shellac, and manganese from India, increased our imports from the Orient from $634,768,000 in 1921 to $853,972,000 in 1922.

Due to the general price decline at home and the depression in the Orient early in the year 1922, the value of our export trade showed a decline from $626,449,000 in 1921 to $536,234,000 in 1922, or about 14 percent, which was practically the same decline shown in our export trade to the rest of the world. If exports to the Orient regain their 1921 rate, and imports from the Orient show no decline from 1922 figures, the 1923 trade of the Orient should be 22 percent of our total trade. With higher prices now ruling for silk and rubber the import figures are likely to show much higher levels in 1923, and by December, if there is no setback, fully one quarter of our world trade will be with the Orient.

Prosperity in the United States and our demands for Oriental raw materials is being reflected in prosperity in those countries like Japan, the Philippines, and British Malaya, which sell most of their exports to the United States. The purchasing power of these countries is thereby greatly increased and our exports to them increased. The export markets in China and India are already being stimulated by prospects of lower silver in July, and the desire of native merchants to contract now for July and August deliveries of silk, tea, wood oil, and other products at a lower silver cost is not only automatically adjusting and discounting the effect of the present tendency to await the higher purchasing power of

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gold at that time, but stimulating the merchants of the interior to prepare for heavier shipments after that date. Although the purchasing power of the interior merchant's money in the purchase of gold country products will diminish with the lowering of silver, this stimulation to the sale of his silver produced goods at relatively higher gold prices is encouraging production and prosperity. The foreign merchant who protects his future purchases and sales of commodities by forward sales and purchases of silver has nothing to fear from a reaction in the silver market.

Our 1913, 1921, and 1922 trade with the Far East was as follows:

000 omitted.

Country	Exports 1913	Imports 1913	Total 1913	Per cent of grand total trade 1912
Japan	$ 63,674	$ 98,941	$ 162,615	3.8
China	26,844	40,812	67,656	1.5
India	10,966	70,361	81,327	1.9
Australia	43,773	10,420	54,193	1.2
Philippine Islands	27,897	17,913	45,810	1.0
Straits Settlements	4,263	31,852	36,115	.8
D. E. Indies	3,358	4,995	8,353	.2
Hongkong	11,086	3,475	14,561	.3
New Zealand	8,595	4,929	13,524	.3
Ceylon*	795	12,898	13,693	.3
Kwangtung**				
Indo China***	616	389	1,005	.2
Siam	737	165	902	.2
Total Far East	202,604	297,150	499,754	11.70
All others	2,281,706	1,495,888	3,777,594	88.30
World total	2,484,310	1,793,038	4,277,348	100.00

* Based on Ceylon's returns.
** Included in China's returns.
*** Based on Indo China's returns.

000 omitted.

Country	Exports 1921	Imports 1921	Total 1921	Per cent of grand total trade 1921
Japan	$ 235,424	$ 251,268	$ 486,692	6.95
China	108,290	101,136	209,426	3.01
India	56,770	78,189	134,959	1.92
Australia	82,756	22,821	105,577	1.51
Philippine Islands	46,516	52,162	98,678	1.41
Straits Settlements	7,458	56,797	64,255	.92
D. E. Indies	32,340	32,142	54,482	.93
Hongkong	18,726	10,242	28,968	.41
New Zealand	28,072	9,839	37,911	.52
Ceylon*	2,454*	18,751*	21,205*	.30
Kwangtung	5,315	1,280	6,595	.09
Indo China	369	77	446	.00
Siam	1,959	64	2,023	.03
Total Far East	626,449	634,768	1,261,217	18.00
All others	3,858,581	1,874,380	5,732,961	82.00
World total	4,485,030	2,509,148	6,994,178	100.00

* 1921 figures based on Ceylon's returns.

Country	Exports 1922	Imports 1922	Total 1922	Per cent of grand total trade 1922
Japan	$ 218,510	$ 354,298	$ 572,808	8.24
China	100,347	134,609	234,956	3.36
India	330,737	91,152	121,889	1.74
Australia	80,520	35,782	116,302	1.66
Philippine Islands	43,298	61,743	105,041	1.50
Straits Settlement	5,623	93,350	98,973	1.41
D. E. Indies	8,096	34,424	42,520	.60
Hongkong	20,935	15,303	36,238	.52
New Zealand	19,967	10,436	30,403	.49
Ceylon*	789	20,211	21,000	.30
Kwangtung	5,714	2,062	7,776	.09
Indo China	828	460	1,288	.01
Siam	870	142	1,012	.01
Total Far East	536,234	853,972	1,390,206	19.93
All others	3,295,698	2,258,577	5,554,275	80.07
World total	3,831,932	3,112,549	6,944,481	100.00

Who's Who in China

Tao-yu C. Sun, Vice-Minister of Communications
(孫多鈺字章甫)

Mr. Tao-yu C. Sun is a native of Shou Hsien, Anhui. After receiving his preparatory education at home, Mr. Sun went to America in 1899 to study. He entered Cornell University in 1905 and graduated with the degree of C. E. in 1909.

In July 1909, he returned to China. Subsequently he was appointed a Councillor of the Han Lin Yuan, an educational institution under the Ching Regime somewhat like the French Academy. At the same time he was Assistant Examiner for Students going abroad for study.

As an engineer the first professional position Mr. Sun held in China was that of Assistant Chief Engineer of the Kirin-Chengchun Railway. In 1911 he was appointed Managing Director of the same

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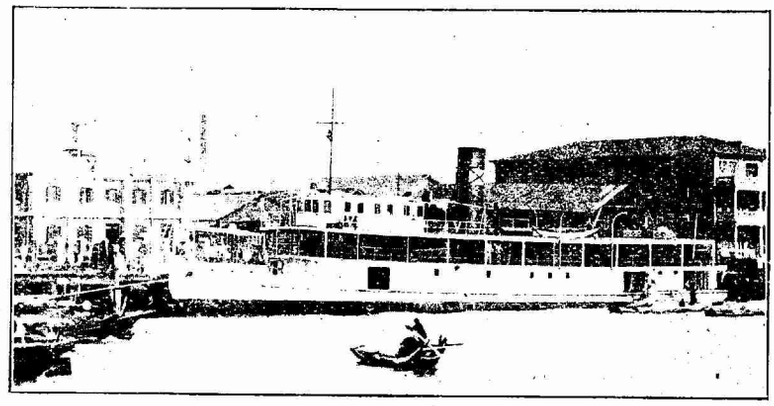

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railway which position he held until 1914 when he was transferred to the Nanking-Changsha Railway as Managing Director.

In 1916 Mr. Sun was appointed Managing Director of the Shanghai-Nanking Railway and of the Shanghai-Hangchow-Ningpo Railway. Shortly after this appointment, he went to Peking where he became manager of the Chu-Ching, the Chow-Hsiang and the Hsiang-Ngo Railways and acted concurrently as director of the Yi-Kwei and Han-I sections of the Hankow-Szechuan Railway.

Before his appointment to the present post of Vice-Minister of Communications in December 1922, Mr. Sun was representative on the Technical Board of the Chinese-Eastern Railway and Director General of the Pukow Port Commission. For a time he was President of the Tung Hui Industrial Corporation, a business enterprise founded by his elder brother, the late Sun To-Sun, former Director General of the Bank of China and once Governor of Anhui.

After the death of his brother, he interested himself in many commercial and banking enterprises with which his brother had close connections. In December 1922, when Admiral Y. L. Woo was appointed Minister of Communications in General Chang Shou-tseng's Cabinet, Mr. Sun was made Vice-Minister.

He has received several decorations from the Chinese government.

Men and Events

W. A. Burns of the American Trading Company, Shanghai, departed last week for Peking on a short business trip.

P. Schwerin and R. R. Beal of the U. S. Federal Radio arrived in Shanghai this week from Peking and are stopping at the Astor House.

E G. Whittaker, manager in the Orient for Universal Winding, Co. with headquarters in Kobe, arrived in Shanghai this week on a business trip. He is staying at 52 Avenue du Roi Albert.

George Matheson, the founder and director of the Ricsha Mission, who has done much in relieving the ricsha coolies in Shanghai, left for a trip to Peking and North China last week.

Major-General Leonard Wood, Governor of the Philippine Islands, is expected to arrive in Shanghai this week on the *S. S. President Pierce*, with his party. They will stay at the Astor House.

V. G. Lyman, assistant general manager of the Standard Oil Company of Shanghai, who has been in America for the past five months on furlough has returned to Shanghai accompanied by his son.

W. B. Haughwout, formerly of Dodge and Seymour, and now engaged in the hair net industry at Chefoo, China, ieturned to Shanghai on the *s. s. Empress of Russia* this week, and rs stopping at the Astor House. Mrs. Haughwout will join him later in Shanghai.

The Order of the Chiaho, third-class, has been conferred on George A. Fitch, for his services in humanitarian work, by the Military Governor of Sungkiang and Shanghai, China. The Order was conferred at a dinner given in his honor on Saturday, June 16 by the Chinese Foreign Permanent Relief Committee. Mr. Fitch plans to leave on a year's furlough at an early date.

The ninth national convention of the Y. M. C. A. in China will be held in Canton October 16-21. The theme of the convention this year is "China's Hope—Character," and in helping to realize this motto nine strong commissions, which have been appointed, will study the outstanding problems of the association both in its internal work as well as in its outside relationships and will bring their findings to the conventions for discussion and adoption.

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The seventeenth annual commencement of Soochow University will be held on Saturday, June 23 to June 29. Alumni Day will be held on Saturday, when the laying of the corner stone at Cline Hall will be held at 4 o'clock; the Baccalaureate Sermon will be preached on Sunday, June 24; Middle School graduation exercises will be held on Wednesday, June 27; the annual meeting of the Board of Curators takes place on Thursday, June 28; and commencement exercises on Friday, June 29, at 3 p.m.

De Witt C. Poole, Chief of the Far Eastern European Division of the U. S. State Department, formerly of the Russian Division, has been appointed U. S. Consul-General at Tientsin. Mr. Poole will continue in the State Department until the end of the present summer before coming to China. He expects to arrive in Tientsin about October. During the Washington Conference Mr. Poole acted as one of the Advisors in Political and Far Eastern questions. He has had a good record with the State Department. Mr. Poole was a class mate in the Washington High School of Dr. Sao Ke Alfred Sze, Chinese Minister to the United States.

The friends and former students of the late Reverend Charles S. Keen, Dean of the Department of Missionary Training of the University of Nanking, have decided on a Keen Memorial in the form of a collection of books relating to China. $15,000 Mexican is to be raised, one-third of which is to be used for the immediate purchase of books that will serve as the foundation for the library; the balance is to be used as an Endowment Fund from the interest on which annual acquisitions of books will be made. Eight hundred and seventy students have been enrolled and thirty-four Missions have been represented in the Nanking Language School, as it is more commonly known, since its organization in 1912. Mr. Keen both personally and professionally was admirably fitted for the work of language study and missionary training.

No Action in Washington on Extraterritoriality

The *Review* is in receipt of a letter dated May 10 from a correspondent in Washington to the effect that neither Secretary Hughes nor President Harding had as yet considered the personnel of the special delegations to be sent to China under the terms of the Washington Conference. The committees referred to are the committee of jurists to investigate extraterritoriality and the American delegation to the Special Tariff Conference which is expected to sit in Peking for the purpose of assessing the 2½ percent surtax and the 5 percent surtax. Our correspondent concludes his letter with the following remark:

"Much study and investigation is being made on both these questions at this time by the State Department. The meeting of the Tariff Conference is dependent entirely upon a complete exchange of ratifications of the Washinton Conference and Secretary Hughes is now awaiting for France to ratify said treaty. The China delegates at the Washington Conference requested a delay of one year before taking up for discussion the question of extraterritoriality, which was granted them. It has been suggested that said conference meet in Peking on or about November 1, 1923, but it is now stated that no definite arrangements have been made."

Dr. Peck, Old China Resident, Dies in California

The death occurred of Dr. Albert Palmer Peck, at Berkeley, California, on June 15. Dr. Peck was seventy-five years old at the time of his death. He was graduated from Rush Medical College at Chicago in 1871 and practised medicine in the same city. In 1880 he came as a medical missionary to China under the American Board of Commissioners for Foreign Missions, being stationed at Paotingfu, and later in Shangtung province, where the greater part of his missionary life was spent. Dr. Peck while in America during the Boxer trouble returned to China in 1901 and reconstituted the station at Paotingfu. Later he resigned from the American Board and entered into private practice at Tientsin. In 1919 Dr. and Mrs. Peck returned to California, where he remained until the time of his death. While in China Dr. Peck received the degree of Master of Arts from Beloit College, Wisconsin, and was twice decorated with the imperial Order of the Double Dragon. Dr. Peck's oldest son died in Paotingfu. His second son, Myron Hall Peck, at one time instructor in Peiyang university, Peking, was killed in action in France as a Captain of Engineers. He is survived by Mrs. Peck, his son, Willys R. Peck, Chinese Secretary of the American Legation, Peking, and Llewellyn B. Peck, newspaper man at Saratoga, Calif., and a daughter, Mrs. Read, Washington D. C.

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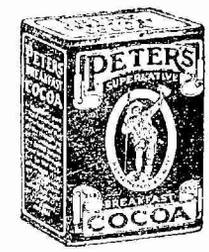

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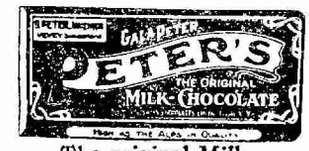

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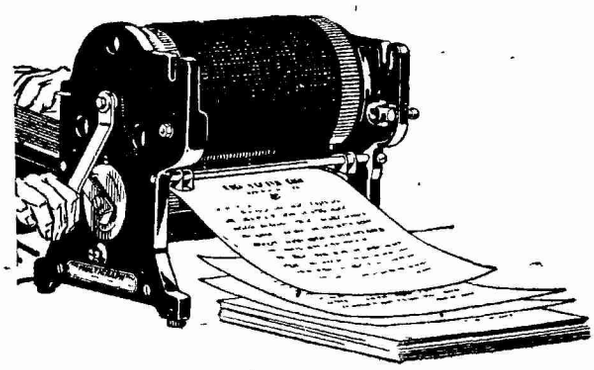

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Notes from Szechwan

There are no radical changes since my last report. But the ink was hardly dry before we learned that the Yunnanese, on behalf of the South, were probably taking part in the strife. Kweichow having been settled by the brother of Tang Chi Yao, it is more than likely that they are already on their way to Szechwan to assist General Hsiung Keh Wu.

The latter enterprising general has not taken up seriously the post of avenger against the North. It appears that this title was given to him by higher authority than exists in this province. But he seems unwilling to put himself on record with such a title till he demonstrates his ability to deal with the present situation.

General Liu Yu Kiu also hesitates to assume control of anything definite. It is quite understood that, in case the soldiers of Hsiung Keh Wu win the present engagement, General Liu will be proclaimed the defacto governor as before. In the meantime he is giving his help without holding office.

All the troops accredited to Hsiung Keh Wu, including Ho Kwang Lieh, have now come out decisively on his side, General Lai Hsin Hwei permitted General Yang Seng, now known as the General of the 16th Division, to come to within 100 li of Chengtu. Then he stiffened, and General Chang Tsung, coming into the fray, there has been real fighting again, now to the east of Chengtu, along the ridge of mountains that face the great plain.

With Lai Hsin Hwei and Liu Yu Kiu now actively helping, Hsiung Keh Wu has about ten divisions of well-trained troops. Some are on the two flanks guarding the north and west roads at some distance from Chengtu, but he has several divisions to throw into the balance here on the Great East Road against Yang Seng. It can be definitely stated that the latter has at least had a serious set-back.

What Hsiung Keh Wu needs now is ammunition. The other side have tried to steal the machines from the arsenal here, and it is said that Liu Wen Hwei, of the Ninth Division, did actually take some machines away with him when he left last week. But in spite of that Hsiung Keh Wu, who now has the title of Director of Munitions, (Chun Shih Tuh Li (軍士督理) has set himself personally to the task of making cartridges. He has been handicapped for supplies of coal and copper, but he is utilizing used cartridge cases, and commandeering coal, so, with his abused machines restored (to-day) the report is that the arsenal is turning out almost normal capacity (30,000 rounds per day).

In the meantime the city remains open, apparently normal, though very much on the qui vive. Last Saturday there was a conjunction of Saturn with the moon. Clouds prevented us seeing it, if indeed it was worth seeing, but the omen meant that the city gates would at least be shut on Monday! That one failed so far. The most fearful omen has been that the south gate fell down without the assistance of bombardment. Seeing that everyone has been too busy for more than ten years to fix up ancient gates there is little wonder that it went down. But that one meant that the South must fail here. Up to the present that one also proves a fake. If Hsiung Keh Wu can hold out ten days more (some say five days) till he gets enough ammunition, Yang Seng is done for. Especially if the Yunnanese worry his communications. At any rate the North has not won yet.

John R. Muir.

Chengtu, Szechwan, May 28, 1923.

News from South China

Canton is now under military vigilance, and no accurate description of its plight will be possible unless there is some freedom given for fair press comments.

The mounted patrol of the Canton City Police, 120 men in three divisions, organized but recently, is now out on duty in the suburbs. In addition to this, Canton also has traffic squads totaling 72 members.

The Canton Municipality has appointed a special deputy to investigate into the financial conditions of the several charitable associations in the city. It is believed that these institutions are possessed of great wealth but that their activities may not be as great as they should be.

In view of the unsettled conditions in Kwangtung, the commissioner for foreign affairs in Canton, Foo Ping Sheung, has advised against foreign tourists proceeding inland. While there has been no unpleasant incidents to foreigners reported so far in spite of frequent visits of foreigners to the several

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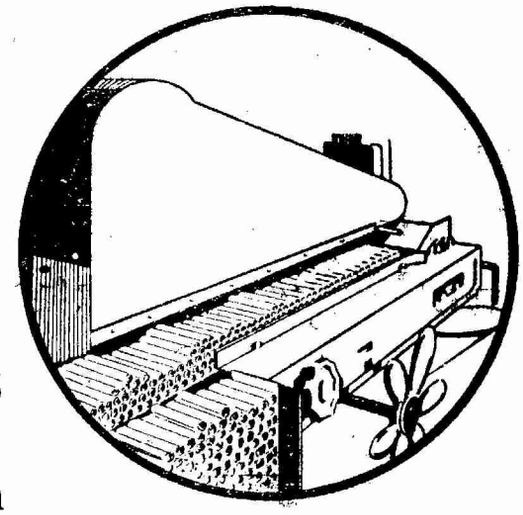

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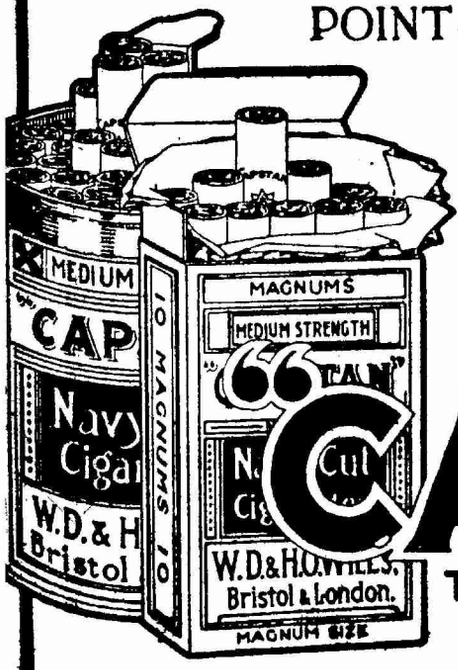

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fighting zones in Kwangtung, the commissioner believes it is wise to issue such a warning.

The boycott movement against Japanese goods growing out of the refusal of Japan to abrogate the notorious 21 demands of 1915 and to return to China Port Arthur and Dalny is being renewed in Canton in sympathy with similar action in many parts of China. So far there has been no unpleasant incident from the action of the students who are the most active agitators of the movement.

The Canton municipality is considering the taking into public ownership and management partly or wholly of all the charitable institutions in Canton. Some institutions have been in existence for many years and have accumulated an immense amount of property. To take them into public ownership will enlarge the pocketbook of the city, but it is afraid that they may be wasted in useless wars.

Chau Lu, M. P., will become commissioner of finance of Kwangstung, succeeding Yang Si-yan. At present finances in Kwangtung are in a chaotic condition, the military commanders occupying the several districts in the province appropriating tax proceeds from the sectional collectorates without orders from the provincial authorities. It may take some months before Mr. Chau will be able to set things in order.

The teachers of the higher schools in Canton are considering suspending their work because of the present civil war. Practically every cent now coming to the Kwangtung public treasury is being appropriated by the militarists for war purposes, leaving nothing for education. The teachers of the higher schools under the government have been six months without their salaries, and patriotism alone cannot satisfy their physical needs.

The Canton Shipping Bureau, a government office for the registration and protection of private steamers and launches, has again complained to the military authorities of soldiers commandeering private vessels really for selfish purposes but under the name of military transportation. More than 150 such vessels have been taken from their rightful owners recently by alleged military units. In many incidents, it was purely a piracy under a fair name.

Canton is no longer a city only of narrow streets and sedan chairs. According to the Municipal Department of Public Utilities, there are 369 motor cars under Canton license for the time being, and at least 81 are actually operating for hire, 24 being used by officials, and 37 by government offices. The city has four motor fire engines and four motor-cycles. In addition to the foregoing, there are in active use 3,550 public ricshas, 514 private ricshas, 1,101 wagons, and 419 bicycles.

It is unlikely that the National Assembly of the Republic of China, popularly known as the Parliament, now meeting in Peking, will again meet in Canton as some members have suggested here. Dr. Sun Yat-sen is now too busy to entertain such a question as this, as his whole attention is now given to the military operations in the East River districts of Kwangtung, now a disputed ground between himself and General Chen Chiung-ming. Dr. Sun and General Chen are both now on the battle-fields personally commanding the forces.

Chung Tsor Chin, a member of the advisory council of the Canton Municipality, is being held by the municipal authorities on suspicious charges, having been accused of having relationship with factions now unfriendly to the present regime. As his arrest has come after his introduction in the council of a bill repudiating the right of the municipal executive commission to municipalize all temples in Canton, his detention has been taken by some as an attempt of the government to interfere with public opinion which the council, as a partly legislative and advisory body may voice. Unconfirmed reports state that Mr. Chung will be released soon upon a bail of $50,000.

Among the municipal improvements in Canton will be the regulation of posters and other advertising matter in public places and the betterment of the water supply. The municipality has had no little difficulty with some foreign residents the last few weeks. The foreign residents are opposing the methods of the municipality in its exercising the right of eminent domain to appropriate lands for wider side-walks and when the municipality attempted to enforce its decisions by pulling down some of the walls of the French Hospital Doumer and the American Canton Hospital recently, the French and the American consuls protested and the matter is still in abeyance. The American physicians in Canton are willing to comply with the Municipal regulations to register and take out licenses to practise, while the French consulate simply sends a list of the French doctors in Canton to the Municipality for its information. Some foreigners are still hesitating in even taking out municipal licenses for their motor cars.

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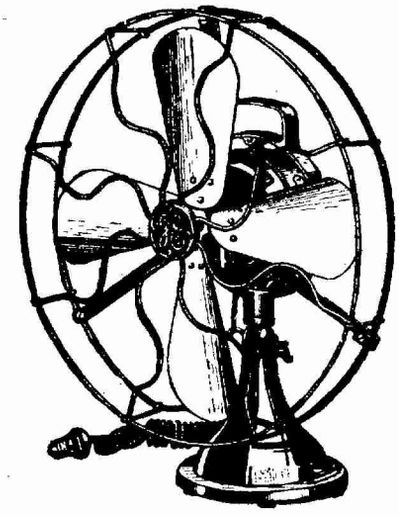

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The military situation in Kwangtung, reviewed from the actions in the several fronts up to June 6, is still hopeful for the Constitutionalists under Dr. Sun Yat-sen, who was in the eastern battle fields beginning May 30, when he departed for Sheklung. The major battles are being fought around Waichow, the capture of which has been reported for political and moral purposes. Up to June 5, the city of Waichow was surrounded by Constitutionalists who are daily expecting to enter this stronghold of Chen Chiung-ming. The city of Pok-lo, also in the eastern front and near Waichow, has exchanged hands three times already since the operations along the East River began about a month ago. Not only Pok-lo but also others have suffered the same fate. The Chen Chiung-ming forces are still occupying the port of Swatow, thus procuring a port of entry for the opponents to the pro-Sun party. Wen Shih-teh, commandant of the Chinese Navy in Canton waters, has been dismissed by Dr. Sun on suspicious charges, and it is afraid that he may join Chen Chiung-ming by influencing the larger Chinese gunboats, *Haichi, Haihsin, and Shao-ho* in Swatow to turn against their commander-in-chief, who is now Dr. Sun himself since the dismissal of Captain Wen. To prevent unauthorized actions of any of the gunboats, the forts commanders at Boccas Tigris, Canton, have been instructed to observe the movements of all warships going or coming into Canton. Search of incoming and outgoing vessels by the police has also been instituted. So far Sheklung and other important cities along the Canton-Kowloon Railroad are in the hands of the present Canton government forces. Reports, however, are reaching Canton that some Northern troops sent by Wu Pei-fu have reached Ma-ba, near Shiukwan, the northern terminal of the Canton-Hankow Railroad, Kwangtung section. To stop the invasion, Constitutionalists have already reinforced their forces along the North River. It is hard to conceive how any non-Cantonese military unit will succeed in this section of Kwangtung when being far away from its base of supplies. Moreover, the village guards along the North River districts are pretty well organized, and they are practically all for the Cantonese siding with Dr. Sun Yat-sen. The Yunnanese under Yang Hsi-min have been again assigned to oppose the northern invasion. As the railroad here is being used for military transportation, regular traffic has been somewhat interrupted. This will not only effect the receipts of the road but also prevent the arrival of some of the daily necessities to Canton from this portion of the country. In normal times, this road, the Canton-Hankow, has a daily income of nearly $10,000. Fighting along the West River has stopped, and the Constitutionalists are aiming toward Wuchow, the most important port in Kwangsi. The pro-Sun forces do not intend to invade Kwangsi but desire to control this port so as to keep the entire West River open to water traffic and thus relieve the possible famine on several sections in this part of the territory. The attempt of Yang Yung-tai, Li Yao-hon, Chang Chin-fang, former civil governors in Kwangtung, to embarrass Dr. Sun Yat-sen by starting uprisings in the Szeyap, Kao-Lui, and nearby districts has failed so far. They succeeded, however, in doing no little damage to the inhabitants and towns in these places, especially in some of the Szeyap districts.

H. W.

Canton, June 6, 1923.

The Week in the Far East

(Covering the period from Thursday, June 14, to Wednesday, June 20).

With the news announcing the release of the eight remaining foreign captives set free by the Shangtung bandits on Tuesday evening, June 12, following thirty-eight days of captivity, the Lincheng affair is being pigeon-holed along with other important happenings of the day in China from time to time, and again people are directing their attention toward the hum-drum politics of the Chinese government at Peking, along with the recent boycott riot between Chinese and Japanese at Changsha.

Several notes have been drafted by American, British Italian, and French organizations in China relative to the Lincheng outrage, and sent to their respective foreign home governments, awaiting their reply as to the protection of foreign citizens traveling in China. A strong note was sent from American organizations to Washington following the release of the captives and appeared in the following form in the daily press, of June 15:

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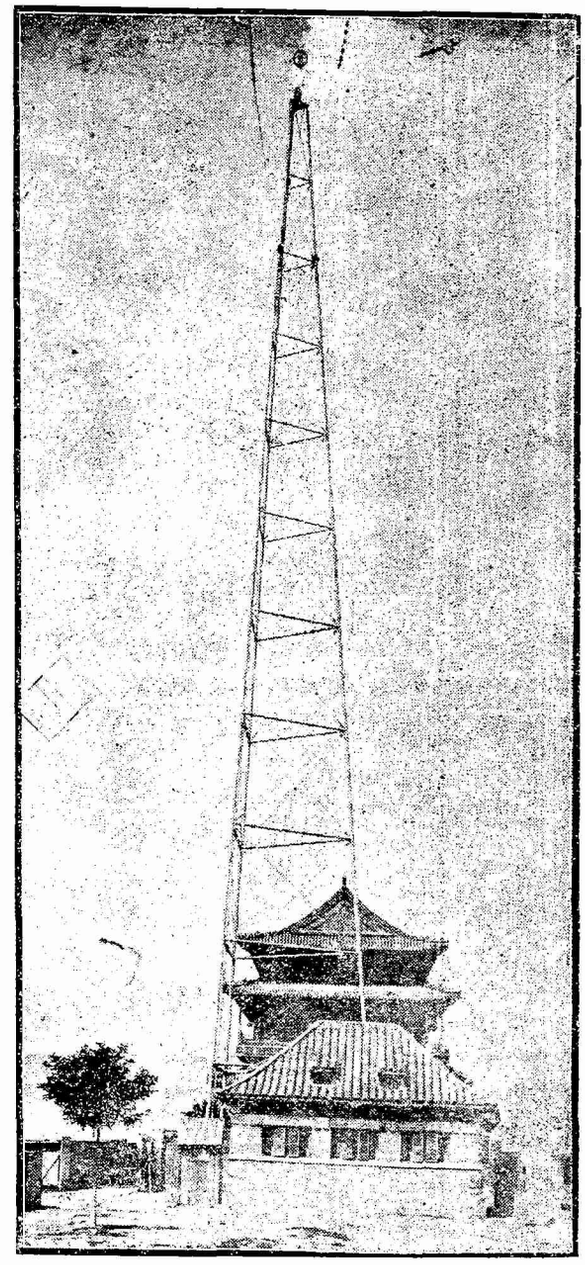

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The most severe indictment of present day conditions in China yet made by responsible and influential foreign organizations was contained in a joint statement issued by the American Chamber of Commerce and the American Association of China yesterday. The statement was issued within a few hours after the last foreign captives to be captured by the Shantung bandits had been released and the flight of President Li from the Presidential Palace in Peking as a result of the machinations of Tsao Kun, the Peiyang warlord.

The foreign Powers must take decisive and drastic action or foreigners will be compelled to leave China in order to protect their lives and withdraw from this country commercially in order to protect their property, according to the two organizations' statement.

The statement was cabled by the organizations to Secretary of State, Charles Evans Hughes in Washington as well as being carried in detail by the *Associated Press*, the *International News Service*, and other news associations representing every important newspaper in the United States.

It is said that the American denouncement of conditions as they are in China is the first gun in a concentrated attack in which every important nationality will follow suit.

The Bulletin of the American Chamber of Commerce, (Manila, P. I.,), printed the following (in part) in a recent issue of the chamber:

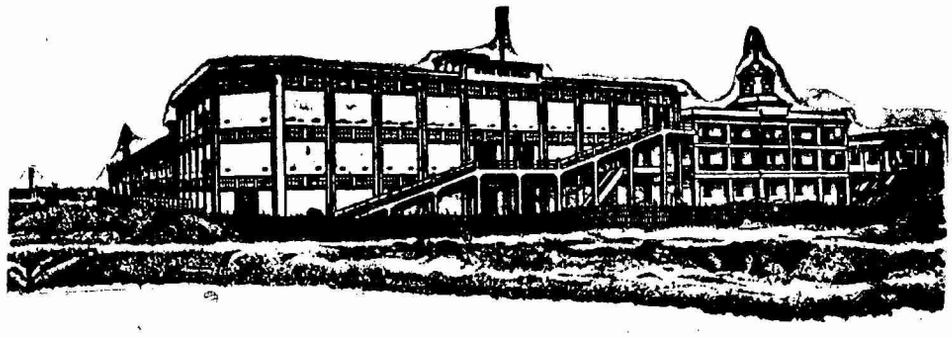
"The twelve years of internal disorder in China came to a head on May 5 when bandits derailed and held up the Peking express on the main line and carried away some 15 white passengers, including five Americans, among whom are two Army officers from Manila, whom they are holding for ransom in the Shantung mountains. That this incident will lead to firm and drastic action on the part of the powers is to be expected.

"Concerted action by the powers with the object of restoring a semblance of order in that country has long been advocated by those conversant with the situation. The political mess, with half a dozen rival leaders contending for supremacy, has retarded economic development and kept Chinese foreign trade at a minimum. The Philippines carries on about as much trade with China as with the United Kingdom. Our trade with China should be much larger in view of the proximity of the country and the huge population occupying it. We therefore have a vital interest in seeing Chinese internal conditions pacified and susceptible of improvement. This can only be brought about by foreign intervention.

"China is an excellent example of what is bound to happen in a country without a stable government and without adequate means of self-defense. No nation of China's vast resources and potential buying power can live for itself nor can it expect to indefinitely maintain its national integrity. The world is constantly expanding its boundaries of international trade and intercourse. Its population is increasing and the earth's productive areas must be utilized to an ever-increasing extent in order to support its population. Internal feuds and disorders of a mediaeval character must meet with the condemnation of the rest of mankind and with efforts on the part of the rest of the world to establish order and permit economic development to proceed on its natural course. This is an inescapable phase of the world struggle for existence and a manifestation of the law of the survival of the fittest."

The *North China Daily News* (the chief British organ in China), had the following comment in an editorial on the morning of June 19:

"Since the captives were released from Paotzeku, several interesting items have appeared in our columns bearing on the Lincheng sanctions. They consist, it is true, rather of news than views. But it may none the less be useful to recapitulate them. Following on the appeal of British engineering firms doing business in China, which was telegraphed out on June 9, Mr. Trevelyan Thomson, member for the great manufacturing district of Middlesborough, asked in the House what was to be done to protect British life and trade in China. The Government's answer was that the British Minister in Peking had been authorized to press for a railway police force and greater foreign control of railway revenues to ensure the police being paid: he was to consult his colleagues with a view to joint action by all concerned. The second part of this statement suggests a taking away with one hand what is given with the other. The Foreign Office is hedging. On June 15 the *Times*, which seems to have been splendid all through this crisis, argued strongly for foreign-officered gendarmerie and foreign control of railways and their finances; and warned China that it would be her own fault if the operations of the Washington Conference policy had to be suspended temporarily. On the 16th the "*Manchester Guardian*" quoted some of the biggest trade organizations in Britain as actively concerning themselves in the story of Lincheng. And to-day we have the satisfactory news that



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no less a body than the Federation of British Industries is making representations to the Foreign Office on the extent to which trade is suffering, with definite recommendations how to meet the anarchy prevailing in China. Let us hope this may correct the opinion attributed to the Home Government that the China trade is not worth an effort. Considering how many valuable markets are closed to Great Britain through circumstances over which she has no control, this attitude of mind would seem inconceivable, were there not only too much reason to believe it correctly reported."

According to a late report from Peking, the Joint Military Commission of foreign consuls and Chinese officials who investigated into the causes of the outbreak of the Lincheng outrage, have submitted their report.

The British and American Consuls at Tsinan, the American Attache, Messrs. Wen Ping-chung, Sun Fung-tsao, Chau Wu-tung, Tsin Ming-po and Feng Kao-hsun, delegates of the Chinese government, arrived at Tsinan from Tsaochuang last week. They held a conference with Tuchun Tien Chung-yu and Civil Governor Hsiung Ping-chi today and left for Peking the same evening.

It is reported that the Commission fixes the responsibility for the Lincheng outrage on the government troops.

A report from Tsaochuang states that the Chinese captives are still held at Paotsuku, the bandits demanding the sum of $100,000 for their ransom. The report adds that six local gentry of Tinghsien, who went to the bandit lair as mediators, have also been detained by the desperadoes.

Following the release of the foreign captives at Tsaochuang, comes the news that Father Mulatto, an Italian priest, was taken captive by bandits at Yingcheng, near Hankow, on June 17, and is being held for ransom. An attack was made on the church and mission where he was stationed and Father Mulatto. with many Chinese were taken captive. The Tuchun Hsiao Yao-nan has despatched a detachment of troops to Yingcheng for his rescue. Following this another attack and raid was made by the bandits at Pinglinsi, near Yingcheng, when a number of houses were burnt and more than 100 natives were carried of.

Situation in North China

It is hard to determine which shares the greater importance, the flight of China's President at Peking on June 14, or the ultimatum delivered by Japan asking for the immediate cessation of the Japanese boycott in China, brought about by the recent Changsha incident. At any rate Peking politics are a bit worse than usual, where an illegal Cabinet is in formation, Parliament muzzled, and no solution is in sight. A summary of the situation is included in a report from Peking by Rodney Gilbert in the *North China Daily News* of June 19:

"Kao King-wei, who is a prominent leader of the Tientsin party, was interviewed yesterday by a delegation of members of Parliament. He clearly defined the Tsao Jui (brother of Tsao Kun) faction's policy in the present situation, saying that the Premier Chang Shao-tseng would not be permitted to return because 450 members of Parliament, besides the party leaders, were opposed to him. Kao said that Tsao Kun was personally telegraphing to the Premier urging his resignation.

"He said that the Cabinet did not recognize Li Keng-yuan's appointment to the Premiership by President Li, hence it did not recognize his acceptance of the old Cabinet's resignation. He said the Cabinet were urging Dr. Wellington Koo to accept the Ministry of Foreign Affairs.

"Kao said that Tsao Kun's supporters would not urge the election of a President until the completion of the constitution.

"The Parliamentary Commission subsequently visited Dr. Wellington Koo, who according to the Chinese press is agreeable to accepting the post of Foreign Minister.

"The bankers's help at the eleventh hour has enabled the Ministry of Finance to pay the local military. The following banks advanced $120,000 each against the salt surplus of the next three months:—the bank of China, of Communications, Chincheng, Yenyeh and Talu. The total of $600,000 was divided between the police, gendarmes, the ninth division and thirteenth division, General Feng Yu-hsiang's troops, the President's guards, the Emperor's palace police and various constabularies."

The Chinese press says that President Li Yuan-hung carried blank mandates bearing his seal to Tientsin and is now issuing fresh mandates, among which one appoints Tuan Chi-jui, the old Anfu Premier, Chief Commander "for the Suppression of Thieves" and Chang Tso-lin second in command.

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The momentary lull in the crisis is due to general recognition that the recent tactics were bad policy. The Cabinet know that the President's acceptance of their resignation was valid. Hence their present position is illegal. Meanwhile the President's position in functioning from the British Concession in Tientsin is absurd. Parliament is afraid of public opinion and hence cannot pass judgment.

All are in fear of the Diplomatic Body's sanctions for Lincheng which are soon.

Feng Au-hsiang and Wang Huai-ching are regretting their hasty expulsion of the President and are frantically explaining. Wang Cheng-ping, who detained the President at Tientsin, is generally dubbed an understudy of the Lincheng bandits. Hence he is off to Paotingfu to explain himself to Tsao Kun.

For these reasons no immediate developments except organized opposition to Tsao Kun and the rapid disintegration of his following are not likely.

The Boycott in China

The severity of the Chinese boycott in Japanese goods and the immense loss it is involving for Japan is revealed in a lengthy communication despatched by the Japanese Chamber of Commerce in Shanghai to the Foreign Office in Tokio. Since the movement has become widespread, it seems that the present boycott is somewhat different in nature from those of the past. Previously such boycotts were insituted by students and demagogues, while the present boycott is conducted by the Chinese General Chamber of Commerce and other similar public bodies, so that the movement is very widely spread and well directed. A rough translation of the text of the document sent to Tokio is included in the following:

"The anti-Japanese movements which are prevailing in various parts of China demanding the retrocession of Port Arthur and Dairen and the abrogation of the so-called 21 Demands, are acts ignoring legitimate treaties and should not be allowed to continue.

"The policy of the Japanese Empire towards China in the past has been one of leniency, fairness and justice, but in recent years the people of China have been misled by the action of political parties, the intrigues of demagogues seeking their own personal interests, and by unfair competitors, as well as all those who blindly follow them. There is a tendency to mistake the shouting of anti-Japanese propaganda for patriotism. In the past there was an anti-Japanese movement at the time of the Tatsu Maru affair; a more recent one when the Sino-Japanese negotiations were in progress in 1915 and a further one in 1919, the severest of all, in connection with the question of Shantung. On each of these occasions the blow to Japan was heavy, and, with these experiences in mind, the people of China consider a boycott to be the only weapon to embarrass Japan, and whenever there is any question in dispute, they try to use it. This is indeed lamentable for good relations between the two countries.

"Japan has sacrificed a great deal politically in the past and now is threatened with an incalculable economic sacrifice. As international relations with China are becoming very complex, we are unable to estimate the exact effect. It is highly desirable that the Imperial Government should pay special attention to the large economic loss to the State and the sufferings which are now damaging and will in the future cause loss to the interests of Japanese business men and manufacturers in China."

South and Central China

Reports from Canton indicate that Sun Yat-sen along with his assistants deem the time propitious to organize a strong Southern government while Peking flounders about in the absence of a President and ruling Cabinet. Several rumors were current that Dr. Sun was cooperating with General Chen Chiung-ming, however a late report from Canton states that Dr. Sun denies the fact that he is negotiating peace with General Chen and declares he will only accept unconditional surrender, but it is believed that a compromise will be arranged as influential citizens of Hongkong and Canton who are begging all concerned to come to terms. Fighting still continues but neither side reports successes. The rice guilds have suspended importation, as they fear that the continuous war will be detrimental to business, according to a *Reuters* report.

Peking papers report that Wu Pei-fu is dropping Yang Sen in Szechwan and has appointed Liu Tsen-hou as Northern Generalissimo in Szechwan, thus reversing his attitude, since he had hitherto refused to recognize Liu as an ally and dubbed him an independent freebooter.

According to despatches from the Philippines, during the week under review, Manuel Quezon, speaking at Negros recently made again his "traditional attack on American administration of the Islands."

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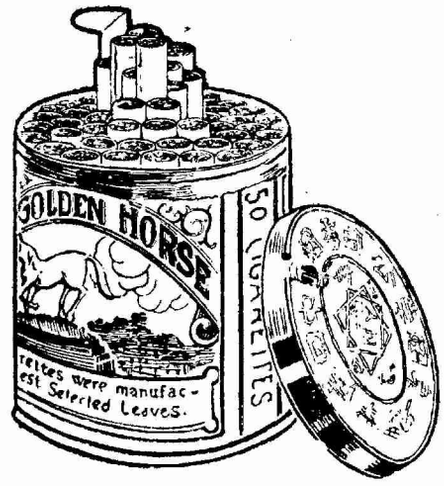

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25-142

"It is absurd," he said, "that Washington or its representative should absolutely control purely local affairs, especially financial and economic matters. If Governor-General Wood, by virtue of his executive power, closes the National Bank, now needed in the development of commerce and industry, the legislature will open another bank.

"If law means anything the legislature is not a political plaything and it should make the policies that are to govern the country."

A recent *Reuters* despatch carried some information relative to the internal revenue in the Philippines showing a decline of sixty percent in income tax collections:

"A drop of more than P. 2,000,000 in collections of internal revenue and a falling off of 60 percent in income tax collections for the year 1922 are the outstanding features of the annual report of the collector of internal revenue for the year 1922, transmitted recently to the department of finance. Total internal revenue collections in 1922 amounted to P. 39,197,017.94, and the cost for making these collections amounted to P. 457,031,63, being salaries and transportation for employees and officers.

"Two sources of revenue have shown considerable decrease, says the collector's report; these are the percentage tax on merchants' sales and the income tax. The increase in the consumption of articles subject to the percentage tax and the further decline in the prices of commodities account for the diminution of the collection of the tax on merchants' sales. On the other hand, the marked falling off in income tax collections is explained by the fact that the tax was assessed and collected on incomes realized in 1921, the year when passing economic depression reached its peak."

Japan diverted her attention from her problems in Russia to the Changsha riot, and is awaiting China's reply to an ultimatum delivered from Tokio to the effect that China must withdraw her boycott of Japanese goods. The recent riot at Changsha is contained in a report elsewhere in the review.

GENERAL NEWS SUMMARY

June 14. Possibility of civil war, owing to antagonism of the agrarians and peasants toward the new government seems strong, as latest reports from Bulgaria indicate.——Allies confer on subject of German memorandum with object of arranging a joint reply, but it seems doubtful if Great Britain and France will reach an agreement.——President's Harding's spokesmen assert President intends to ask Congress at next session to modify prohibition as it affects foreign ships in American waters, according to Washington report.

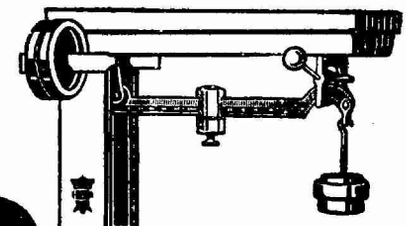
June 15. French authorities exact heavy penalities for recent outrages committed by German civilians at Dortmund, and other towns in Ruhr valley.——House of Commons reports legislation necessary to carry out government's intention to devote British share of Boxer Indemnity to purposes of mutual benefit to Britain and China.

June 16. Bulgarian Cabinet resigns en bloc in consequence of Parliamentary difficulties.——Subject of Ottoman debt hinders a solution of Near Eastern Affairs at Lausanne Conference——President Harding presents Governor-General Wood of Philippines with Roosevelt Memorial Association gold medal, which was received by proxy for General Wood.

June 18. French grip in the Ruhr Valley is tightening all communication between occupied and unoccupied Germany is subject now to French permits.——Stambulisky, Bulgarian Premier is murdered, the new government asserting he was lynched by French peasants.——Turkish prohibition law enforced.——Washington report says Britain pays United States $69,000,000 in Liberty Bonds on account of war debt.

June 19. Bombay report says India threatens Citizenship War if Indians in Crowned Colonies are denied British citizenship rights and equality treatment.——Federation of British Industries makes urgent representations to Foreign Office on growth of anarchy in China, showing how it hit British trade in the Orient.——Relative to increase in Yangtze Naval Patrol Secretary of the Navy cables every effort to relieve situation will be made. Situation will be laid before Congress and urgent request for new ships made.

June 20. President Harding gives details of national revenue and expenditure showing a surplus of $200,000,000 this year, as compared with a deficit of $823,000,000.——U. S. Admiral Andrews arrives in France to take up new post as Commander-in-Chief of U. S. Naval forces in Europe.



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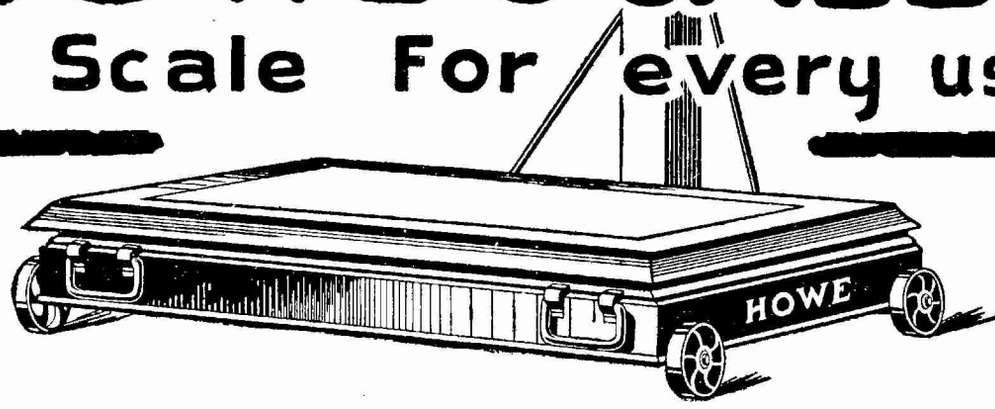

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Weekly Cotton Market Report

By A. B. Rosenfeld & Son

China Cotton:—Since writing our last week's report in which we advised conservative operations on the Bull side of cotton, the market experienced a sharp advance, due principally to the covering of shorts in the early positions. The new crop months have sympathized to some extent but without bringing about any increase in general business, the transactions being principally among professionals.

As to July and August positions we cannot express any opinion. Our stocks are small and cannot be increased around the present level by shipments from the interior, so that the course of prices for July delivery at least is within reasonable limits, entirely subject to manipulations by the few interests who control the stock and the floating supply of contracts. We think, however, that the outside interest is small and that by notice day it will be found that the position will have liquidated itself.

From the above it will be seen that whatever views are entertained as to the ultimate course of prices, a conservative policy appears to be desirable for the immediate future. The situation continues to hinge on future developments, but our opinion is that the chances for successful operations continue to lie on the Bull side.

Extracts of Correspondence.

Chekiang Province, 10th June.—Weather has been ideal for the growing crop and the plant has recovered rapidly from the effects of the recent cold weather. Chopping is nearing completion and the stands are good; the plant is in a healthy condition, has a splendid start and if the weather continues favorable will make rapid progress.

Kiangsu Province, 10th June.—Perfect weather prevailed during the week, and the plant is forging ahead at a good rate and is now in good condition.

Yangtze Valley, 6th June.—The weather continues highly favorable for all crops, cotton is doing fine, stands are good and free of grass and weeds, plant is ahead of last year in growth.

Shansi Province, 4th June.—A great deal more cotton is being planted this year than last. The land is moist and in good condition and the outlook is for a large crop.

Chihli & Shantung Provinces, 7th June—In these two provinces the rainfall was in the nature of heavy showers and we were also honored with a hailstorm and we think they were rather beneficial than otherwise; as a whole the weather has been fairly warm and the crops are making good progress.

Yarn.—The yarn market has had a steady undertone during the past week with a slight weakness showing at the close, owing to the political trouble up North. As to future prospects, we continue to regard the outlook for higher prices owing to the fact that stocks locally and in the interior marts are light.

Liverpool, June 14, 1923.

Liverpool Market:—

Middling American, Spot	16.74	Pence
" " July	15.07	"
" " October	13.57	"

Market:—*Steady.*

New York, June 14, 1923.

New York Market:—

July	27.15	Cents
October	24.50	"
December	24.00	"
January	23.72	"
March	23.62	"
Spot	28.40	"

Market:—*Easier.*

Bombay, June 14, 1923.

Bombay Market:—

Broach, F. G. July/Aug	Rps.	539	per Khandy
Fully Good Bengal, July	"	438	" "
Fine Oomra, Dec./Jan	"	432	" "

Market:—*Firm.*

Shanghai Market:—

Tungchow, Spot	Tls.	41.00
Shanghai, Spot	"	37.50
M-ginned, Spot	"	38.00
Taichong, Spot	"	39.00
Shensi, No. 1 Spot	"	40.00

Market:—*Steady.*

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Shanghai Exchange for Week Ending Wednesday, June 13th, 1923.

By Maitland, Fearon and Brand

Exchange:—After slight fluctuations the London price of silver at 31 3/4d. is 1/16d. higher than last week. The rate for two months forward is quoted 31 7/8d. Our official quotation went down 1/4d. on the 8th inst. but on the 11th recovered to last week's closing quotation of 3/1 1/16d.

Throughout the week our Market has ruled steady for June delivery, with 1/4d. to 3/8d. above official quotation offering, but weak forward with a doubtful 3/1 1/8 for August T/T on London, falling to 3/1 December. We close much on these lines, with little or no cover offering in the shape of Export Bills, and an easy undertone.

Our stocks of silver are reported as follows:—

Sycee and Bar Silver ....Tls. 22,070 000 an increase of Tls. 49,000.

Chinese and Mexican Dollars..... $ 33,720,000 an increase of $ 910,000.

Estimated value Tls. 46,348,000 as against Tls. 49,365,000 held at this time last year.

	Average rates for June	Thursday June 7	Friday June 8	Saturday June 9	Monday June 11	Tuesday June 12	Wednes. June 13
Bk's selling rates		*opening closing*	*opening closing*	*opening closing*	*opening closing*	*opening closing*	*opening closing*
T/T London	3/2.211	3/1 1/2	3/1 1/4	3/1 1/4	3/1 1/2	3/1 1/2	3/1 1/2
D/Dfts. ,,	—	3/1 5/8	3/1 3/8	3/1 3/8	3/1 5/8	3/1 5/8	3/1 1/2
4m/s ,,	—	3/1 3/4	3/1 1/2	3/1 1/2	3/1 3/4	3/1 1/4	3/1 1/2
T/T India	236.432	232 1/2	231	231	232 1/2	232 1/2	232 1/2
T/T France	1,110.385	1115	1110	1115	1120	1115	1125
T/T N. Y.	73.668	72 1/4	71 3/4	71 3/4	72	72	72
T/T H'kong	74.000	73 3/4	73 3/4	73 3/4	73 3/4	73 3/4	73 3/4
T/T Japan	66.750	68	68 1/2	68 1/2	68 1/4	68 1/4	68 1/4
T/T Batavia	191.635	188	18/	187	188 1/4	188 1/4	188 1/4
T/T Straits	73.808	75	75 1/2	75 1/2	75	75	75
Bk's buying rates							
4m/s B/L. Cred, D/A	3/4.211	3/3 1/2	3/3 1/4	3/3 1/4	3/3 1/2	3/3 1/2	3/3 1/2
4m/s ,, D/P	—	3/3 3/4	3/3 1/2	3/3 1/4	3/3 3/4	3/3 3/4	3/3 1/2
6m/s ,, D/A	3/4.711	3/4	3/3 3/4	3/3 3/4	3/4	3/4	3/4
4m/s B/F. C., D/A, D/P	1,160.385	1165	1160	1165	1170	1165	1175
4m/s N.Y. Lc.	77.707	75 1/2	74 3/4	74 3/4	75	75	75
4m/s ,, Docs	—	77 3/4	75 1/4	75 1/4	75 1/2	75 1/2	75 1/2

†Based on Daily Official quotation, higher rate taken on rising Market, ower when falling	June 7	June 8	June 9	June 11	June 12	June 13
Bullion.						
*London Price of Bar Silver per oz. (English Standard 925 touch) Fence.	31 3/4	31 9/16	31 1/2	31 3/4	31 13/16	31 3/4
**N.Y. Price of Bar Silver per oz. (Pure)	G. $. 65 1/2	G. $. 65	G. $. 64 3/4	G. $. 65	G. $. 65 1/2	G. $. 65 1/8
Shanghai Price of GoldBars (weight Tls. 10 (Chauping) 978 touch	Tls. 326 70	Tls. 327 30	Tls. 328 10	Tls. 326 80	Tls. 327 70	Tls. 327 90
Shanghai Silver Bars (weight Tls. 100 (C.)999 touch)	111 00	111 00	111 00	111 00	111 00	111 00
Shanghai Mexican Dollars per $100	71.95	71.85	71.85	71.9375	71.925	71.975
Native Bank Rate of Interest (Callmoney)	4%	4%	4 1/2%	4%	3 1/2%	4%
*Closing Price in London for Previous day. **Closing Price in New York for Previousday						

Bank of England rate of discount	3%	London on Paris	T/T 72
Bank of France rate of discount	4 1/2%	London on Germany	T/T 372
London open Market of rate Dis. 3 m/s.	2 1/16%	New York on London	T/T 461
,, ,, 4	2 1/16%	Bombay on London	T/T 1/3 1/16
,, ,, 6	2 5/16%	Hongkong on ,,	T/T 2/3
		Yokohama ,, ,,	T/T 2/1 1/16

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Fong F. Sec	Chang Tai Yen	David Yui	Sun Yat Sen
P. W. Kuo	Wellington Koo	W. W. Yen	C. C. Nieh
Li Ming	Wang Chung-hui	C. T. Wang	Hwang Fu
K. P. Chen	Sung Han-chang	Liang Shih-yi	Kan Yu-we
Che Shih-yuan	Lu Yung-hsiang	Tsao Kun	Wu Pei-fu

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New Books and Publications

The Old, Old Question—in China—Opium

League of Nations. Traffic in Opium. Summary of Answers to the Opium Questionaire, 1921. Also resolutions adopted by the Advisory Committee of the League of Nations. Published by the International Anti-Opium Association, Peking.

Bulletin of the International Anti-Opium Association, Peking, Vol. II, No. 2, No. 4.

Reports of the India government on their Fulfilment of the Hague Opium Convention. Also Operations of the India Opium Department. Published by the International Anti-Opium Association, Peking.

The Narcotic Situation in The United States of America. Published by The International Anti-Opium Association, Peking.

The War Against Opium. The International Anti-Opium Association, Peking. Tientsin Press, Ltd. 1922. 250 pp. With map.

THE International Anti-Opium Association was organized in 1918. "At the instigation of Mrs. Hamilton Wright, Major A. E. Wearne, M. C., *Reuters* correspondent at Peking who had recently returned from service with the Australians, called a meeting which resulted in the formation of this Association. Dr. G. E. Morrison, another Australian, Bishop Norris, Messrs. Bevan, Davis, Edwards, Hillier, Lowry, Ramsay, Ridge, Strong and the Rev. Arthur Sowerby, all Peking residents, were present. Much valuable assistance was secured from the moral support given to the movement by the Chinese Customs. Mr. A. E. Blanco of that service did much to emphasize the importance of the morphia trade. . . . From the commencement the Association has been favoured by the good will of H. E. President Hsu Shih-ch'ang. . . . ." Thus this distinguished Association came into being, as told on pp. 1-2 of the Preface to *The War Against Opium*, and it has developed flourishingly under the guidance and with the membership of a long list of well-known foreigners and Chinese in North China.

A word as to the achievements of the Association which has put out the valuable book, and pamphlets listed above: "At the close of hostilities in Europe a telegram was sent to Premier Lloyd George urging him to impress upon the League of Nations the importance of restriction of the cultivation of opium throughout the world to actual medical requirements. This matter was actively pressed by Sir William Collins who was urgently advocating the anti-opium cause in London. To this action no doubt was largely due inclusion of the question of ratification of the Hague Convention in the Peace Treaty. As a result. enemy countries which had previously refused to ratify the convention were compelled to do so." "The most important result of the Association's work, other than those already noted, has been the bringing to bear of public opinion both Chinese and foreign. upon the drug question in the East. Next perhaps in importance is the exposure of the inadequacy of legislative conditions which, for instance, have for years allowed vast quantities of morphia to be manufactured in. and transported across, the United States; which permit the individuals of nations to commit with impunity against those of other nations acts such as large-scale sales of morphia, which in their home countries are serious crimes. The Association has pointed out that few nations have, in accordance with the spirit of Art. 16 of the Opium Convention, taken steps to apply pharmacy laws to their nationals resident in China.

"The Association has brought to light the fact that there exists no effective service in China for prevention of import and export of opium and other drugs. The Chinese Maritime Customs has as its main object the collection of duties at the Ports and not the watching of China's far-flung coast-line. This function appears to be intrusted to police forces of doubtful efficiency. There exists no special body comparable to the coastguard service in foreign countries.

"As a result of the Association's work the Japanese Government in the fall of 1919 issued new Consular Orders requiring a more stringent control of the narcotic traffic in China.

"Steps have been taken to call the attention of the International Postal Congress to the evils resulting from the shipment of morphia by parcel post. These steps . . . have been successful and fresh regulations have been introduced.

"The attention of the British Chambers of Commerce in Shanghai was drawn in 1919 to the harmful nature of the opium and morphia trade with the result that . ." an important resolution was passed by the Conference.

Last to be mentioned but far from the least in importance the Association has done a considerable amount of publicity work for the general student and reader. The most valuable report of the whole opium question is that given in *The War Against Opium* which has been prepared by the Board of Directors of the Association. This book has ten chapters of which several were prepared by Messrs. L. R. O. Bevan, Grover. Clark. Douglas Gray, Arthur Sowerby, and Miss Kathryn B. Clark. The early history of opium, its effects on international relations, its importance in China today, medical aspects of the question, the attitude of Britain, India, the United States and Japan, the legnl aspects of the question, and the various opium monopolies are discussed in considerable detail. A valuable map showing the distribution and relative amount of the cultivation of the poppy and of the trade in opium and morphia during the season of 1919-20 is included—the work of Mr. and Mrs. Grover Clark. Miss La Motte's work on *The Opium Monopoly* has also been made use of in part. No student of the opium question in the East and the West can afford to overlook this comprehensive report.

H. F. MacNair

June 12, 1923.

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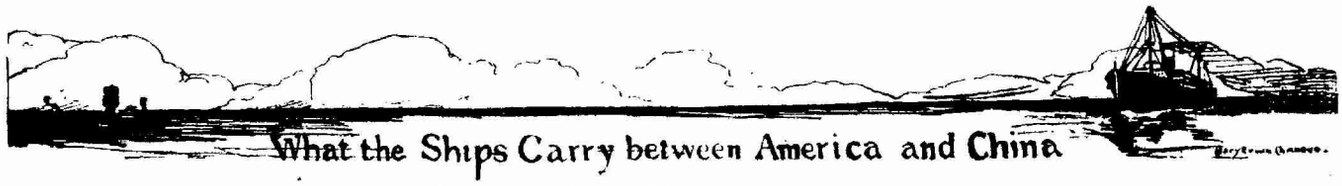

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Egg, Yolk, Dried	,,	171
Hides, Buffalo	,,	136
Hides, Cow	,,	37
Skins, Cat	Pcs.	5,000
Skins, Untanned	,,	106,400

To San Pedro.

Egg, Albumen, Dried	Pls.	84

S. S. President McKinley from U. S. A., May 21.

Iron Bars	Pls.	1,463
Iron Shaftings	,,	28
Bones, Cow	,,	90
Flour, Wheat	,,	1,288
Milk, Evaporated	,,	264
Wax, Paraffin	,,	389
Motor-cars	Pcs.	10

S.S. Hanover, from U.S.A., May 21.

Iron, Galvanized:

Wire Shorts	Pls.	1,265
Cotton, Raw, Bls. 1,600	,,	5,709
Bones, Cow	,,	1,280
Flour, Wheat	,,	15,031

S.S. President Madison, May 25.

To Seattle.

Silk Piece Goods	Pls.	0.10
Bristles	,,	156
Oil, Wood	,,	8,588
Skins, Squirrel	,,	3,600
Carpets	Hk. Tls.	1,475

To Kansas.

Silk, Pongees, Shantung	Pls.	1.08

To Philadelphia.

Silk Cocoon Strippings:

Shanghai Bls. 9	Pls.	27.54

Silk, Waste:

Shanghai, Bls 31	,,	99.91
Carpets	Hk. Tls.	204

To Scranton.

Silk, Raw, Filature:

Wild, other Ports, Bls. 10	Pls.	10.13

To Wilmington.

Skins, Goat, Untanned	Pcs.	46,900

To Boston.

Intestines, Sheep's Salted	Pls.	14
Wool, Sheep's	,,	185
Carpets	Hk. Tls.	229

To Chicago.

Silk, Raw, Filature:

Wild, other Ports, Bls. 40	Pls.	40.32
Carpets	Hk. Tls.	3 673

To Buffalo.

Intestines, Pigs,' Salted.	Pls.	95

To South River.

Silk, Waste:

Other Ports Bls. 71	,,	254.37

To New York.

Silk, Raw, Re-reeled:

White, other Ports, Bls. 5	,,	5

Silk, Raw, Steam Filature:

White, Shanghai, Bls. 10	,,	10.10

Silk, Raw, Filature:

Wild other Ports, Bls. 230	,,	232.03
Cotton, Waste	,,	339
Bristles	,,	45
Chinaware, Coarse	,,	44
Chinaware, Fine	,,	45
Egg Albumen, Dried	,,	26
Feathers, Goose	,,	547
Hair, Human	,,	102
Rhubarb	,,	14
Straw, Braid, White	,,	43
Wool, Sheep's	,,	138
Skins, Dog	Pcs.	8,038
Skins, Fox	,,	1,260
Skins, Lamb	,,	310
Skins, Sable	,,	64
Skins, Squirrel	,,	5,503
Skins, Weasel	,,	10,000
Skins, Weasel, with Tails	,,	1,010
Feathers, Peacock	,,	100,000
Carpets	Hk. Tls.	20,506

S. S. President Taft, May 25.

To Honolulu.

Tea, Black, Shanghai.	Pls.	1
Carpets	Hk. Tls	1,193

To San Francisco.

Silk Piece Goods	Pls.	2.02
Silk, Pongees, Shantung	,,	0.60
Cotton, Waste	,,	167
Egg Albumen, Dried	,,	15
Egg Albumen, Frozen	,,	401
Egg Yolk, Frozen	,,	106
Egg Whole, Frozen	,,	147
Groundnuts, Kernels	,,	2,520
Hair, Human	,,	10
Tallow, Vegetable	,,	323
Umbrellas	Pcs.	2,368
Carpets	Hk. Tls.	14,989

To Los Angeles.

Silk Piece Goods	Pls.	0.12
Egg Albumen, Dried	,,	41
Egg Yolk, Dried	,,	81
Carpets	Hk. Tls.	857

To Baltimore.

Bristles	Pls.	45
Egg Yolk, Dried	,,	288

To Boston.

Wool, Sheep's	,,	46

To Chicago.

Silk, Raw, Filature:

Wild, other Ports, Bls. 15	Pls.	15
Umbrellas	Pcs.	1,200

To Philadelphia.

Hair, Horse	Pls.	31
Skins, Goat, Untanned.	Pcs.	105,567

To New York.

Silk, Raw, Re-reeled:

White, Shanghai, Bls. 10	Pls.	10.42

Silk, Raw, Filature:

Wild, other Ports, Bls. 134	Pls.	135 84

Silk Cocoon, Refuse:

Shanghai, Bls. 26	Pls.	86.76
Bristles	,,	45
Camphor	,,	200
Egg Albumen, Dried	,,	458
Egg Yolk Dried	,,	634
Egg Yolk, Moist	,,	252
Feathers	,,	70
Hair, Human	,,	120
Intestines, Pigs,' Salted.	,,	203
Seed, Sesamum	,,	840
Tobacco, Leaf	,,	225
Turmeric	,,	168
Skins, Weasel	Pcs.	5,000

S. S. West Keats, May 29.

To Portland.

Iron, Pig	Pls.	1,680

To Baltimore.

Egg Yolk, Dried	,,	110

To New York.

Cotton Waste	,,	102

S. S. Tenyo Maru, May 29.

To San Francisco.

Tea, Black, Kiukiang	Pls.	3
Tea, Black, Hankow	,,	85
Carpets	Hk. Tls.	435

To Baltimore.

Straw Braid, White	Pls.	9

To Chicago.

Silk, Raw, Filature:

Wild, other Ports, Bls. 94	Pls.	94.65
Carpets	Hk. Tls.	267

To New York.

Silk, Raw, Steam Filature:

White, Shanghai, Bls. 15	Pls.	15.03

Silk, Raw, Filature:

White, other Ports, Bls. 40	,,	40.14
Feathers	,,	149
Wool, Sheep's	,,	19
Skins, Lamb	Pcs.	9,084
Skins, Marmot	,,	10,205
Skins, Raccoon	,,	1,480
Skins, Weasel	,,	9,500
Skins, Wolf	,,	170
Carpets	Hk. Tls.	163

S. S. President Cleveland, from U. S. A., May 23.

Cotton Goods, Unclassed	Yds.	2,699
Almonds	Pls.	20
Apples, Fresh	,,	6
Barley	,,	13
Butter	,,	32
Canned Asparagus	,,	5
Canned Fruits	,,	11
Cheese	,,	42
Coffee Beans	,,	189
Fruits, Dried	,,	29
Leather, Calf	,,	2
Leather, Sole	,,	851
Milk, Evaporated	,,	187
Oranges, Fresh	,,	684
Paper, Chipboard	,,	148
Potatoes	,,	19
Shrimps, Dried	,,	12
Soap, Laundry	,,	168
Sugar, Cube	,,	4
Canned Fish	Doz.	156
Canned Vegetables	,,	151
Hosiery	,,	65
Jams	,,	31
Underwear	,,	96
Fire-bricks	,,	1,880
Lemons, Fresh	,,	157,500
Cigarettes	Mille	47,500
Treasure, Silver Bars	Hk. Tls.	999,248

S. S. President Madison, from U. S. A., May 25.

Bacon and Hams	Pls.	6
Motor-cars	Pcs.	10

S. S. Kendal Castle, May 31.

To Boston.

Tea, Black, Hankow	Pls.	5

To Wilmington.

Skins, Goat's Untanned	Pcs.	11,862

To New York.

Tea, Black, Kiukiang	Pls.	202
Antimony Oxide	,,	336
Antimony, Regulus	,,	1,848
Bristles	,,	146
Oil, Wood	,,	1,723
Skins, Doe	Pcs.	10,985

Outline for the Study of Current History, Finance and Commerce of China

by

H. F. MacNair, Ph. D.

Professor of History and Government, St. John's University

This outline, primarily for the use of middle schools and colleges, is based upon the Review for last week. It is not intended that the whole of the outline be used but that those topics be selected that are found to be adapted to the class.

1. International Affairs

Topic 1: The Release of the Bandits' Captives

References: Pp. 65-66,80,82,

Questions: 1. On what date were the foreign captives released? 2. How many of the Chinese captives were released? 3. Why have not all the Chinese been released? 4. Is the Peking government as interested in the release of the Chinese as that of the foreigners? Explain fully. 5. What arrangements were made for the release of the captives? 6. Would you consider that the bandits were successful in their object? 7. What effect is this likely to have upon other bandits? 8. What statement was recently made by General Chang Shou-tsang in reference to the Lincheng outrage? 9. What action was taken by the Diplomatic body in Peking as a result of this? On what grounds? 10. What has been done by the International Commission of Inquiry? What nations are represented on the Commission? 11. What is the meaning of the first editorial?

Topic 2: Background Factors of Banditry

References: P. 67

Questions: 1. What is the object of this article? 2. What is a paradox? Give instances cited in this article. 3. Who were Ward, and Gordon? At what period did they work in China? 4. What is mentioned as being especially noteworthy about the bandit movements of recent years? 5. Is banditry a new or old phenomenon in China? Explain? 6. What is mentioned as being the fundamental question which was difficult to solve in the relations of Chinese and foreigners during the 19th century? 7. What was the alliance of England and Japan called, and what was its prime significance? 8. What effect did the European War of 1914-18 have upon the thoughts of the Chinese in reference to foreigners? 9. How have the nationals of Austria, Germany, and Russia been weakened in China during recent years? 10. Name some of the effects of China's having sent laborers to France during the war? 11. What are the conclusions of the writer of this article? Do you agree with them?

Topic: 3 The Chinese in the Philippine Islands

Reference: Pp. 68-70

Questions: 1. How far back can the relations of the Chinese with the Philippines, be traced? 2. Who was Chao Ju-kua? 3. When did the Spanish enter the Philippines, and what traders did they find there when they arrived? 4. What proofs are there of important relations with the Pilippines under the Ming dynasty 5. Give evidences of the results upon the Philippines and the Filipinos of Chinese in the islands. 6. In what ways has the position of the Chinese in the islands been improved under American occupation? When did the Americans take over the Philippines? 7. Why do the Filipinos not wish the Chinese to settle in their islands in large numbers? How have they shown this? 8. What has been the attitude of the American government toward Chinese immigration into the islands? Explain fully. 9. What can you say as to the commercial position of the Chinese in the islands? 10. What is the book-keeping law which is causing so much difficulty at present? Is this the first attempt at such legislation? 11. What is the writer's attitude toward discriminatory legislation in the islands?

2. Domestic Affairs

Topic 1: The Overturn of the Peking Government

References: Pp. 84.86

Questions: 1. Why was the recent resignation of the Peking Cabinet of a little more significance than usual? 2. Was it unexpected? 4. Who were President Li's choices for the Premiership? 4. Why was he not successful in getting a new Premier? 5. How are finances mixed up with the present political struggle in the capital? 6. Why are the relations of Chang Ying-hua and Tsao Jui of importance? 7. What step has President Li recently taken? Why? 8. What part is Tsao Kun playing in the squabble? 9. What is the position of the Peking gendarmerie at present?

Topic: 2: Chinese Ratepayers Meeting in Shanghai

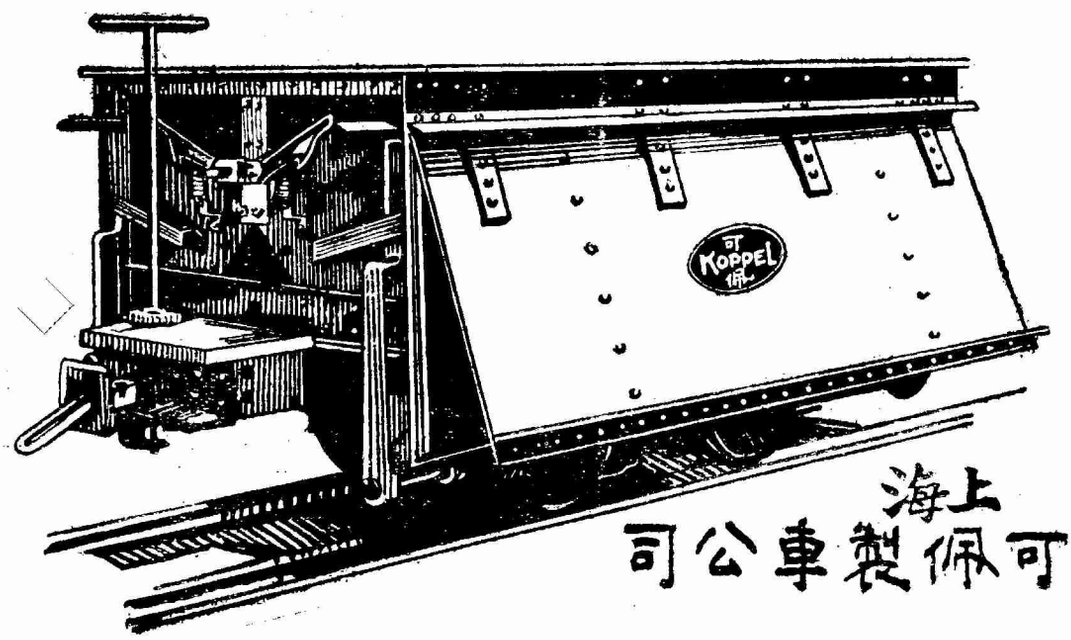
References: P. 72.

Questions: 1. What is the Chinese Ratepayers Association, and what are its purposes? 2. What facts were touched upon in Mr. Chu's report? 3. What is the question in reference to the Mixed Court? Why is it different from the question of Extraterritoriality? 4. What complaint was registered in Mr. Chu's report?

Topic 3: Affairs in South China

References: Pp. 78,80,86

Questions: 1. What are the expenses of the Civil Governor to be limited to? 2. What is Mr. C. C. Wu doing at present? 3. What constructive schemes are being planned by Judge H. Y. Loo? 4. How much money has been contributed by the Canton municipality to general headquarters for war expenses during the past two months? 5. How much has been contributed for provincial administrative, and for school expenses? 6. What is General Chen Chiung-ming doing now?



Gable Bottom cars for Iron Ore supplied to a China Iron Mine.

KOPPEL INDUSTRIAL CAR & EQUIPMENT CO.

No. 2 Canton Road

SHANGHAI

25-150

In The United States Court for China

(Established by Act of Congress of June 30, 1906.)

JUDGE, Charles S. Lobingier.
U.S. ATTORNEY, Leonard G. Husar.
U. S. COMMISSIONER, Nelson E. Lurton.
CLERK, William A. Chapman.
OFFICE HOURS 10-12; 2-4.
U. S. MARSHAL, DISBURSING OFFICER, } Thurston R. Porter.
PRISON PHYSICIAN, DR. T. B. Dunn.
DEPUTY MARSHAL, Wm. Van Buskirk.
TIENTSIN:
SPECIAL DEPUTY MARSHAL, Harry V. Fuller

All Notices, Announcements, Judgments Orders and other Proceedings appearing in this department of THE WEEKLY REVIEW may be accepted as authentic.

MOTION DAY.

All contested motions and demurrers will hereafter be heard on Mondays, beginning at 3 P. M.; provided notice thereof with proof of service on the adverse party or his attorney shall have been filed in the clerk's office by 1 P. M. 12. Noon of the preceding Saturday.

ADMISSION TO THE BAR.

Hereafter, applicants for admission to the bar of this court, whether previously admitted elsewhere or not, will be examinedon the following:

1. Extraterritoriality, 25 Corpus Juris, 299—331.
2. Extraterritorial Cases.
3. Extraterritorial Remedial Code.
4. U. S. Rev. Stats., secs. 4083—4131 (Act of Congress of June 22, 1860, 12 U. S. Stats. at Large, Ch. 179.)
5. China Court Regulations.
6. Act of Congress of June 30, 1906 (34 U. S. Stats. at Large, Ch. 3934).

BAR EXAMINING COMMITTEE: Nelson E Lurton. W. W. Blume. Roland S. Haskell.

Shanghai, China, January 2, 1923.

Minutes of Recent Proceedings

Hearings:

June 14, 1923, Cause No. 2135, Adam Szyszlo v. Shanghai Estate Co. Ltd.; testimony taken of plaintiff, B. Dolgoshein, Mme. Voronoff, A. C. Barry, V. Ugretzoff, Mme. Boldirev, Mrs. Sullivan, Ma Foh Pao, P. Benjamin, Zee Tuh Tai, Kiang Zung Yi.

" 15, " " " 2135, Adam Szyszlo v. Shanghai Estate Co. Ltd.; testimony taken of G. C. Wingrove, A. M. T. Woodward, Tsu Siao De, G. L. Wilson; submitted.

" 15, " " " 2240, In re adoption of Nina Volskonsky, a minor; testimony taken of A. I. Ufford; L. H. Ufford, L. A. McGillivray; submitted.

" 18, " " " 2206, Shanghai Hotels Limited v. A. P. Pattison; tastimony taken of J. Klass; submitted.

" 8, " " " 1678, Hung Tai Hong v. Asia Banking Corporation and Gaston, Williams & Wigmore, etc.; on motion to strike and on demurrer; submitted.

" 18 " " " 2244, In re Hester Smith's will; testimony taken of A. T. Heuckendorff, E. H. Dunning; submitted.

BANQUE BELGE POUR L'ETRANGER, PLAINTIFF, v. MONTGOMERY WARD & CO., DEFENDANT.

(*Continued from last week*)

Much the same may be said of the further averment that the remaining articles were never in defendant's possession. So late as December 1, 1921, defendant by its present manager wrote plaintiff as follows:

> "We beg to acknowledge receipt of your letter of the 30th November, 1921, regarding certain goods which should be stored in our godowns at 6/7-C French Bund and at 20 Museum Road, and which should be held by us subject to your order.
>
> We regret to say that according to our records, the following only are at present in our possession:
>
> Approximately 47 c/s ..... Steel Stoves
> " 16 c/s ..... Steel Stoves
> " 9 ..... Bicycles " (Ex. G)

It will be seen that this not only admits possession of part of the bicycles but as to the rest merely disclaims possession "at present" leaving the implication that they may have been previously in defendant's possession in which case, of course, defendant would be obliged to account for them. We do not consider this showing sufficient to overcome the document (Ex. A) reciting possession on May 9, 1921 "for account of the United States Import & Export Co." of specified goods which "have been transferred to your (plaintiff's) order," etc.

It will be seen therefore that the case as proved is not one of pledging defendant's property for the payment of its manager's personal loan but merely of his executing a document which transfers defendant's liability as bailee from the original bailor to plaintiff. This was one of the documents which Tillson was expressly authorized by the power of attorney then existing to execute, for it was incidental to the delivery of the goods. Previously, it would appear they had been held "for account of the United States Import & Export Co." Now they are to be held for plaintiff. But this change in no way prejudiced defendant, and affords no occasion for repudiating Tillson's authority unless the goods were actually owned by defendant which, we repeat, has not been sufficiently shown. The document (Ex. A) containing these recitals regarding ownership was executed by one who is conceded to have been defendant's duly authorized agent at the time. It was admitted in evidence without objection and we know of no principle upon which it could be disregarded.

But while the document entitles plaintiff to claim possession of the goods therein described, we know from another document (Ex. E) that plaintiff is not the owner but merely a pledgee and that its claim is limited to the unpaid balance of Tillson's note which according to the evidence (p. 10) is Taels 8,949.40, no interest being specified. We think, therefore, that plaintiff's recovery and defendant's liability, in case it cannot produce the property, should be limited to that amount although the prayer is for Taels 14,000.00. Indeed the evidence as to the value of the property would not justify such a judgment, for the witness Parlani, who testifies as to value, fixes the total at Taels 9,500.00 (p. 19) and while he is not positive that

(Before the Commissioner)

June 16, 1923, Cause No. 2185, Chung Foo Union Bank v. D. A. Duskin; testimony taken of Han Chai Fong.

Judgments and Orders:

June 14, 1923, Cause No. 1676, H. M. Shirek v. Getz Bros. & Co. of the Orient, Ltd., judgment for plaintiff.

" 15, " " " 2015, Thacher v. Thacher; decree.

" 16, " " " 2240, In re adoption of Nina Volskonsky, a minor; decree.

" 18, " " " 2244, In re Hester Smith's will; order admitting will to probate.

" 18, " " " 1670, Swinehart v. Swinehart et al.; order appointing trustee.

" 18, " " " 2206, Shanghai Hotels Limited v. A. P. Pattison; judgment for plaintiff.

(By the Commissioner)

June 16, 1923, Cause No. 2185, Chung Foo Union Bank v. D. A. Duskin; judgment for plaintiff.

Assignments for Hearing:

June 26, 1923, 9:30 a. m., Cause No. 1945, Chemische Fabrik Griesheim Elektron v. International Banking Corporation.

" 29, " 9:30 a. m., Cause No. 1351, Nanyang Bros. Tobacco Co. Ltd., v. Green Star S/S Corp'n.

July 2, " 9:30 a. m., Cause No. 1856, Yu Fong S/S Co. v. Wm. Katz & Co.

Miscellaneous Filings:

June 13, 1923, Cause No. 2240, In re adoption of Nina Volskonsky, a minor; petition.

" 13, " " " 2241, The Oriental Press v. J. O. Donovan; petition; summons issued.

" 13, " " " 2242, U. S. v. Boutros; complaint; warrant issued.

" 13, " " " 2239, In re estate of Bernard F. Wiens, deceased; petition; letters of administration issued.

" 13, " " " 2228, Central Garage Co. v. E. H. Scott; marshal's return of summons.

" 14, " " " 2243, U. S. v. Carberry; information; warrant issued; marshal's return of warrant.

" 14, " " " 1678, Hung Tai Hong v. Asia Banking Corp'n and Gaston, Williams & Wigmore, etc.; demurrer; motion to strike.

" 14, " " " 2242, U. S. v. Boutros; marshal's return of warrant; bond.

the property which he inspected and appraised is exactly the same as that sued for, it is of the same general character and description and the valuation which he gave was for such property (see also Quinn, p. 26). In the absence of any contrary evidence we see no reason for rejecting his testimony.

In its prayer plaintiff specifically asks for damages but generally "for such other relief as may be equitable and proper." The proper relief in this case would be the delivery of the property and that may be adjudged [2] altho the action is not in form one of replevin; for the only difference between such an action and this would be that, upon the presentation of a proper bond, plaintiff would have been entitled to possession in advance of trial. The waiver of that privilege in no way affects the right of ultimate possession in case it is proved. We think the facts here sufficient to show plaintiff's right to possession of the property in question, and that, in default of its delivery, plaintiff is entitled to a judgment against defendant for the sum of Taels 8,900.00.

It is accordingly considered and adjudged that plaintiff have and recover from defendant the following described articles:

One Case, 10 Bicycles, Mark. 157403¼
Six cases, 60 Bicycles, Mark. 157403
Four cases, 40 Bicycles, Mark. 157403½
Seventeen Cases, 200 dozen, Lanterns, Mark. 162872
Forty Seven Cases 48 Steel Stoves, Mark. 166222
Sixteen Cases, 18 Steel Stoves, Mark. 171402 (Ex. A)

It is further considered and adjudged that, in case of defendant's failure forthwith to deliver said articles to plaintiff, the latter have and recover from defendant the sum of Taels 8,900.00 together with costs.

2. Cyc. XXXI, 111; Encyc. of Pl. & Pr. IV, 623; cf. Williams v. Wilcox, 66 Iowa, 65, 23 N. W. 266.

In the United States Court for China

AGNES MARIA GARZA, Plaintiff. | Cause No. 2232

vs. | Civil No. 814

EDWARD REIOS GARZA, Defendant. | SUMMONS

The President of the United States of America

To the United States Marshal for China and his Deputies—
GREETING:

You are hereby commanded to serve this summons and a copy of the Petition in the above entitled action upon the defendant—

Edward Reios Garza,

if found within the jurisdiction of this Court and to notify him to be and appear before this Court on or before the sixtieth day after service hereof to file his written answer on oath.

(SEAL) WITNESS the HONORABLE CHARLES S. LOBINGIER, Judge of the United States Court for China, at Shanghai, China, June 6, 1923.

W. A. CHAPMAN
Clerk.

Excerpt from Regulations, Section 8: On proof of due notice, judgment by default shall be procured against any defendant failing to appear and file his written answer as required.

June 15, 1923, Cause No. 2219, Yangtsze Insurance Association, Ltd. v. Fearon, Daniel & Co. Inc.; receiver's report.

" 15, " " " 1676, H. M. Shirek v. Getz Bros. & Co. of the Orient, Ltd.; exception; notice of appeal.

" 15, " " " 1678, Hung Tai Hong v. Asia Banking Corporation and Gaston, Williams & Wigmore, etc.; motion and notice.

" 15, " " " 2178, Asia Butchery Co. v. L. Slegman; motion for judgment by default.

" 15, " " " 1856, Yu Fong S/S Co. v. Wm. Katz & Co.; stipulation.

" 15, " " " 2206, Shanghai Hotels Limited v. A. P. Pattison; marshal's return of service of motion.

" 15, " " " 2241, The Oriental Press v. J. O. Donovan; marshal's return of summons.

" 16, " " " 1852, Ping Kee v. Firemen's Fund Insurance Co.; plaintiff's brief.

" 16, " " " 1351, Nanyang Bros. Tobacco Co. Ltd. v. Green Star S/S Corporation; motion to set.

" 16, " " " 2244, In re Hester Smith's will; petition.

" 16, " " " 2245, Louis Frank Roth v. The Kearny Co. Inc.; petition; summons issued.

" 18, " " " 1250, In re James S. Fearon's will; petition; final account; receipt.

" 19, " " " 2244, In re Hester Smith's will; letters testamentary.

" 19, " " " 2218, Harold Russell v. L. C. Publishing Co.; Plaintiff's brief.

" 19, " " " 2074, Ih Ho Chang v. Continental Trading Co. et al.; marshal's return of summons.

" 19, " " " 2246, In re application of A. Viola Sutith for admission to the bar; petition.

" 19, " " " 2195, In re estate of Knud Sorensen Stokke, deceased; affidavit of publication.

" 19, " " " 2022, In re estate of Frank P. Long, deceased; inventory.

" 19, " " " 1288, In re estate of Annie May Westbrook, deceased; inventory; final account.

" 19, " " " 2228, Central Garage Co. v. E. H. Scott; answer.

" 19, " " " 2225, Louis Frank Roth v. The Kearny Co. Inc.; bond for attachment.

ON MOTIONS FOR A NEW TRIAL AND FOR EXECUTION.

(Decided May 31, 1923)

SYLLABUS

(By the Court)

1. **Appellate Proceedings:** TIME. An appeal or writ of error from a judgment of this Court, may be perfected within six months after its rendition.
2. ID.: ID.: SUPERSEDEAS. But such judgment cannot be superseded more than sixty days after its rendition.
3. ID.: ID.: Whether a motion for a new trial filed without statutory authority or leave of court, and after the moving party has once elected to proceed without one, extends the time, *quaere.*
4. **Evidence** found insufficient to show the "identity" of defendant's manager with a company organized by him.
5. **The Maxim** "where one of two innocent parties must suffer, he who made possible the loss must bear it," held peculiarly applicable in this jurisdiction.

Messrs. Williams, Franklin & Faison, for the motion for a new trial.

Messrs. Schuhl & Schoenfeld, for the motions for execution.

LOBINGIER, J.:

Judgment in this cause was rendered on December 2, 1922 and a copy furnished its counsel upon request. On March 1, 1923, defendant filed an exception thereto; on March 9, a notice of appeal and supersedeas bond and shortly thereafter a proposed bill of exceptions, writ of error, citation and all other papers necessary to perfect the proceeding were presented for signature in chambers and in the presence of plaintiff's counsel who was then asked to consent that the supersedeas bond be approved. On March 15 plaintiff presented a motion to disapprove the bond, on the ground that it "was not filed as required by law within sixty days after the rendition of judgment," and a motion for execution. On March 16, defendant filed a motion to withdraw the notice of appeal and a motion for a new trial. On April 17, defendant filed its brief in support of the motion for a new trial and plaintiff's brief in reply reached us less than two weeks ago. Meanwhile plaintiff had filed a second motion for execution "on the ground that defendant is closing up its business in Shanghai and plaintiff will be prejudiced and justice denied by delay." It is these two motions of plaintiff which we shall consider first, in connection with defendant's motion to withdraw its appeal, leaving the latter's motion for a new trial to be discussed later.

Plaintiff relies mainly upon the following provision:

> "In any case where a writ of error may be a supersedeas, the defendant may obtain such supersedeas by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office where the record remains, within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But if he desires to stay process on the judgment, he may, having served his writ of error as aforesaid, give the security required by law within sixty days after the rendition of such judgment, or afterward with the permission of a justice or judge of the appellate court."[1]

1. U. S. Rev. Stats., sec. 1007; Barnes, Federal Code, sec. 1404.

(To be continued next week)

CHINESE GOVERNMENT RAILWAYS

Shanghai-Nanking Railway Abridged Time Table.

Shanghai North to Nanking—Up (Main Line) **Nanking to Shanghai North—Down**

STATIONS	Local	Fast R.	Local	3rd & 4th Local	S.N.L. T.P.L. Express Mail	3rd & 4th	Local	S.N.L. T.P.L. Fast Express	Local	Fast Local	Local	Local	Night Express R. S.
Shanghai North d.		7.00	7.15	7.35	9.30	9.50	12.10	12.30	15.25	17.15	17.43	19.35	23.30
Nansiang ... ... d.		7.28	7.45	8.03	—	10.31	12.41	12.58	16.01	17.47	18.15	20.05	0 02
Soochow ... ... d.		8.59		9.41	11.14	12.53		14.43	18.24	19.39			1.39
Wusih ... ... d.	7.00	9.59		10.44	12.02	14.12		15.38	19.34	20.36			2.38
Changchow ... d.	8.14	10.56		11.41	12.49	15.28		16.38		21.38			3.42
Tanyang ... ... d.	9.30	11.52			13.38	16.28		17.38					—
Chinkiang ... d.	10.31	12.49			14.22	17.34		18.33					5.34
Nanking ... ... a.	12.30	14.21			15.43	19.33		20.02					7.20
Pukow ... ... d.					19.10			21.00					
Hsuchowfu ... d.					—			5.08					
Tsinanfu ... ... d.					—			13.16					
Tientsin Central a.					—			—					
Do. d.					23.52			21.20					
Tientsin East ... a.					0.02			—					
Do. d.								22.05					
Peking ... ... a.								1 30					

STATIONS	Local	Fast Local	Local	Local	Fast R.	3rd & 4th Local	3rd & 4th	Fast R.	Local	Local	Express R.	Local	T.P.L. Mail	S.N.L. Night Express T.P.L. Express
Peking ... ... d.													—	15.25
Tientsin East ... a.													—	—
Do. d.													14.35	20.27
Tientsin Central a.													—	—
Do. d.													—	20.0
Tsinanfu ... ... d.													—	4.8
Hsuchowfu ... d.													—	13.0
Pukow ... ... a.													18.49	20.57
Nanking ... ... d.					7.40		8.10	11.05			15.30	16.15		23.0
Chinkiang ... d.					9.20		10.25	12.54			17.29	18.27		0.57
Tanyang ... ... d.					9.57		11.21	13.36			18.03	19.26		—
Changchow ... d.		7.10'			10.59	12.00	12.44	14.32			18.37	20.46		2.8
Wusih ... ... d.		8.22			11.59	13.02	14.07	15.33			19.43	21.52		3.5
Soochow ... ... d.		8.21			12.54	14.02	15 25	16.31			20.32			4.4
Nansiang ... ... d.	8.15	10.33	11.34	13.00	14.33	16.03	17.45	18.18	18.40	20.35	—			6.3
Shanghai North a.	8.42	11.00	12.05	13.30	15.00	16.30	18.20	18.45	19.13	21.05	22.00			6.5

Woosung Forts to Shanghai North—Up (Branch Line) **Shanghai North to Woosung Forts—Down**

Woosung Forts d.	9.45	8.15	9.40	11.05	12.30	13.55	15.20	16.45	18.10	19.35	21.00	22.25	23 50
Kiangwan ... d.	7.10	8.40	10.05	11.31	12.55	14.20	15.46	17.10	18.35	20.00	21.25	22.50	-0 15
Tientungan ... d	7.16	8.46	10.11	11.37	13.01	14.26	15.52	17.16	18.41	20.06	21.31	22.56	0.21
Shanghai North a.	7.20	8.50	10.15	11.41	13.05	14.30	15 56	17.20	18 45	20 10	21.35	23.00	0.25

Shanghai North d.	6.00	7.30	9.00	10.25	11.50	13.15	14.40	16 05	17.30	18.55	20.20	21.45	23.10
Tientungan ... d.	6.05	7.35	9.05	10.30	11.55	13.20	14.45	16.10	17.35	19.00	20.25	21.50	23.15
Kiangwan ... d.	6.12	7 42	9.12	10.37	12.02	13.27	14.52	16.17	17.42	19.07	20.32	21.57	23.22
Woosung Forts a	6.35	8.06	9.35	11.00	12.25	13 50	15.15	16.40	18.05	19.39	20 55	22.20	23 45

R. Restaurant Cars. * These additional trains run each Saturday and Sunday S. Sleeping Cars

Shanghai-Hangchow-Ningpo Railway Abridged Time Table.

Shanghai North to Zahkou—Down (Main Line) **Zahkou to Shanghai North—Up**

STATIONS	Local	Express R.	2nd 3rd & 4th	Fast R.	Local	Local	Night Express R.
Shanghai North ..... dep.	..	8.00	9.00	13.20	15.45	..	19.15
Jessfield ..... dep.	..	8.15	9.16	13.36	16.05	..	19.30
Siccawei ..... dep.	..	8.21	9.23	13.43	16.13	..	19.36
L'hwa Junction ..... dep.	..	8.35	9.40	14.00	16.30	..	19.50
Shanghai South ..... dep.	..	*8.05*	*9.05*	*13.26*	*15.45*	*18.00*	*19.20*
Lunghwa Junction ..... arr.	..	*8 23*	*9.23*	*13.43*	*16.03*	*18.18*	*19.38*
Sungkiang ..... dep.	..	9.14	10.50	14.46	17.42	..	20.29
Kashai ..... dep.	..	10.01	11.57	15.43	18.47	..	21.16
Kashing ..... dep.	7.25	10.31	12.40	16.16	—	..	21.46
Yehsah ..... dep.	8 19	11.02	13.32	16.56	....	..	22.17
Changan ..... dep.	9.25	11.36	14.23	17.40	....	..	22.51
Hangchow ..... dep.	11.00	12.30	16.00	18.50	....	..	23.45
Zahkou ..... arr.	11.25	12.45	16.30	19.10	....	..	24.00

STATIONS	Local	Local	Express R.	Local	2nd 3rd & 4th	Fast R.	Local	Night Express R.
Zahkou ..... d.	..	..	7.15	..	8.40	13.20	15.35	18.40
Hangchow ..... d.	..	..	7.40	..	9.15	13.50	16.10	18.25
Changan ..... d.	..	..	8.29	..	10.45	15.00	17.45	19.14
Yehsah ..... d.	..	..	9.00	..	11.53	15.37	18.45	19.46
Kashing ..... d.	..	7.30	9.39	..	12.50	16.24	..	20.34
Kashai ..... d.	..	8.02	10.02	..	13.26	16.52	..	20.46
Sungkiang ..... d.	..	9.15	10.52	..	14.42	17.49	..	21.41
Lunghwa Junction.... d.	*8.37*	*10.37*	*11.37*	*13.57*	*16.07*	*18.42*	..	22.17
Shanghai South ..... a.	*8.55*	*10.55*	*11.55*	*14.15*	*16 25*	*19.00*	..	22.35
L'hwa Junction .... d.	..	10.34	11.32	..	15.50	18.40	..	21.22
Siccawei ..... d.	..	10.43	11.40	..	15.59	18.49	..	21.31
Jessfield ..... d.	..	10.51	11.46	..	16.06	18.56	..	21.38
Shanghai North.... a.	..	11.05	12.00	..	16.20	19.10	..	21.53

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In The United States Court for China

(Established by Act of Congress of June 30, 1906.)

Recent Decisions

Dec. 7 — Dec. 13, 1922

A. G. DE SHERBININ & CO., PLAINTIFF, v. UNITED STATES TRADING CORPORATION, DEFENDANT.

(Cause No. 1105; decided December 7, 1922.)

SYLLABUS.

(By the Court)

1. **Contracts:** ACCEPTANCE of an offer effects a contract.
2. Id.: NOVATION. Where such contract suffices to justify the relief sought by one seeking its enforcement, the question whether it was afterward modified in his favor, becomes immaterial.
3. Id.: WAIVER of the vendor's rights under a contract is not effected by giving notice to defaulting party that unless he performs, it will be treated as "cancelled" and damages claimed.
4. Id.: Id. But it seems that the vendee, by asking extension of time to take delivery, and by agreeing to accept after knowing of alleged departures from the specifications, waives the latter.

Messrs. Fessenden & Holcomb, by Mr. Fessenden, for plaintiff.
Messrs. Davies & Bryan, by Mr. Bryan, for defendant.

LOBINGIER, J.:

Plaintiff sues to recover damages for defendant's failure to take delivery of a quantity of steel bars under a contract of sale effected by an oral offer followed by an acceptance as follows:

"Shanghai, 22nd April, 1920.

Messrs. A. G. de Sherbinin & Co.,
No. 2-a Kiukiang Road,
Shanghai, China.

Gentlemen:

Twisted Concrete Reinforcing Bars.

We hereby accept your offer approximately 137 tons Twisted Concrete Reinforcing Bars, weights subject to landing account to be supplied by you at a price of Gold $117 per ton ex godown. As your storage on same will expire on May 10th, we would very much like to have that time in order to effect delivery to our dealer.

Very truly yours,
UNITED STATES TRADING CORPORATION
Geo. E. Young
General Manager for China."

It is not disputed that this acceptance resulted in a contract. Indeed, the answer alleges that it

"is the only agreement and contract ever entered into by the said plaintiff and the said defendant" (p. 2)

It is claimed however, in defendant's brief (tho no such defense is pleaded in the answer) that the contract was "cancelled" by a letter (Ex. 2) reading as follows:

"June 14, 1920.

Messrs. The United States Trading Corp.
Shanghai.

Dear Sirs: *Twisted Concrete Bars*

In connection with the above Bars, our verbal offer of which was accepted by your letters of April 21st and 22nd and confirmed by ours of April 23rd, we beg to advise that if delivery is not taken and payment made in full by June 19th, we shall consider the sale cancelled, and shall claim upon you for whatever loss we sustain due to this cancellation.

These bars were sold you for delivery within 30 days after sale, with the understanding that the storage was to be for your account after May 10th. Inasmuch as these goods have not been taken delivery of, we shall also claim interest on the sale amount from the same date, May 10th.

We hope that you will take delivery of this order and settle same before the week is up, as we would regret taking this step against you, but you must understand that we cannot allow this matter to drag on indefinitely, as we notified New York of the sale at the time it was made, and must make an accounting to them.

With best regards,
Yours very truly,
A. G. de Sherbinin & Co.
W. H. Daub.

But it will be seen that this is far from expressing an intention by plaintiff to waive its rights under the contract. On the contrary, plaintiff gives notice to defendant that it "shall claim upon you for whatever loss we sustain" and "shall also claim interest" etc. Apparently what plaintiff means by the terms "cancel" and "cancellation" is that it will, unless defendant takes steps to perform, elect to consider the contract as having been broken. At any rate the letter is not a proposal to rescind and if it had been there was no acceptance. On the contrary, defendant's letters of July 9 (Ex. C) and July 20 (Ex. A) clearly recognize the contract as still in force and ask further time to take delivery thereunder.

Another contention, discussed in defendant's brief but not raised in the answer, is that plaintiff has not sufficiently proved performance on its part. Mr. Daub, a member of the plaintiff firm, testifies:

"Q. Did you have these steel bars in stock so that you could deliver them?

A. Oh, yes." (p.4)

We do not think this is overcome by the following testimony of defendant's manager:

"Q. Did Mr. Daub ever state, did he ever admit that these goods did not comply with the specifications?

A. He admitted when he told me the cargo was reshipped from Kobe he found that the original cargo covered original shipment from America, it was different and they could not tell what was in the cargo themselves until it was surveyed." (p.6)

It will be seen that the manager does not state that the steel bars failed to comply with the specifications nor do we think it would be safe to base a finding of non-compliance upon the phrase "it was different" etc.

Moreover, defendant in its letters of July 9 and July 20, already referred to as recognizing the contract and asking extension of time for delivery, makes no suggestion that the goods offered failed to comply with the specifications. On the contrary the letters clearly express the intention to take delivery which would seem to constitute the waiver of any differences from the specifications.

The briefs of both counsel are largely devoted to discussing the question whether the contract of April 22 was modified by a letter from plaintiff to defendant on the following day and claimed to have been accepted by the latter. But we do not find that a determination of this question is necessary to a disposition of the case. The only modification suggested by this letter was the waiver by defendant of any claim "for quality and condition." Had it been pleaded and proved that the "quality and condition" were not such as the original contract required, it might have been important to inquire whether there was a modification in this respect. But since, as we have seen, the evidence fails to show such defects but does show an intention to accept so late as July 20 we think it immaterial whether the original contract was modified or not. And we shall assume that the contract concededly effected [1] by defendant's letter of April 22 is the one which governs the rights of the parties.

It being conceded that defendant never did take delivery, that the amount due on the contract was G. $14,771.25 and that plaintiff finally sold the goods at auction for Taels 1,439.00, we have no alternative under a well settled rule [2] of this court, but to award plaintiff damages in the amount of the difference between these two sums.

It is accordingly considered and adjudged that plaintiff have and recover from the defendant the sum of G. $14,771.25 less Taels 1,439.00 with interest on said balance from May 10, 1920, the agreed date of delivery.

HENRY QUELCH, PLAINTIFF v. PAUL S. CRAWLEY, DEFENDANT.

(Cause No. 1320; decided December 13, 1922.)

SYLLABUS

(By the Court)

1. **Replevin:** AFFIDAVIT. Where plaintiff describes himself as "the legal and lawful owner of" the goods replevied he cannot, in the judgment, be treated as a vendor who has parted with title.
2. Id.: Id. EVIDENCE. "THE ACTUAL VALUE of the property" must be stated in the affidavit and that of the unrecovered portion must be proved as the basis of a judgment therefor.
3. Id.: JUDGMENT will be rendered for the recovery of the property and for the value of that not recovered but such value cannot be ascertained by deducting from the invoice prices of the whole the proceeds of a sale of the recovered portion made long afterward by plaintiff, especially where there is evidence of damage and shortage in the property as invoiced.

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1. Anson on Contracts, (Huffcut's edition), p. 19.
2. Yu Yar Chuan v. Shippers Commercial Corporation, *ante*, 286.

4. In: DAMAGES. Where defendant is lawfully in possession as a salesman for plaintiff and calls upon the latter to send a representative to receive the stock, which plaintiff fails to do for a considerable time defendant is not chargeable with the damages for unlawful detention nor is he liable for the expenses of such representative.
5. **Set-off** must be pleaded and can only be allowed against a foreign plaintiff to the extent of his pecuniary claim.

Messrs. Rodger & Haskell, by Mr. Rodger, for plaintiff.
Messrs. Williams, Franklin & Faison, by Mr. Faison, for defendant.

LOBINGIER, J.:

This cause comes before us again on a motion to vacate the provisional judgment heretofore rendered in defendant's absence but after several continuances and after plaintiff's insistence upon a speedy hearing. As rendered, however, the judgment gave defendant until the date fixed by him (about one month and a half) after his return to China in order to "file a motion to modify the judgment and produce evidence in support thereof." He did not return, according to his affidavit, until some three and one-half months later but he filed his motion within the time fixed by the provision[1] which authorizes "a new trial where justice manifestly requires it."

The judgment contains the following sentence:

> "In his answer defendant alleges that he was employed as plaintiff's agent and was promised his travelling expenses and a commission on sales but plaintiff denies any such arrangement and the answer is not verified."

It is this question of agency which forms the chief subject of controversy in the present stage of the proceeding. Defendant testifies that he was employed by plaintiff's representative, Pomeroy, to sell goods on commission and that he remitted the proceeds of sales. Plaintiff's present claim is that defendant purchased the goods outright and is liable for any difference between their selling price and the actual value of the goods as recovered by defendant. Each party claims that the other should have called Pomeroy to explain the nature of the arrangement but as it does not appear that Pomeroy has ever left the plaintiff's employ it would seem easier for plaintiff to have called him than for defendant.

However, the record contains conclusive evidence from plaintiff himself that defendant was not a purchaser of the goods in question. We recall now, tho we did not when dictating the former judgment, that, in commencing the action, plaintiff's counsel was in doubt whether to institute replevin or attachment and that it was then suggested to him that the form of action should be determined by the actual relation between the parties. If plaintiff was claiming as creditor he should attach; if he claimed as owner his remedy was replevin. Counsel elected the latter and thereby fixed the status of plaintiff as that of owner and not vendor. He commenced his action by filing an affidavit setting forth "that he is the legal and lawful owner of the following described goods" etc. The petition contains a similar averment and the prayer is "for a judgment for the recovery of the said goods," etc. Now if the title to these goods was in plaintiff it could not have passed to defendant and the latter was consequently not a purchaser. At least he never so completed the purchase that the title passed.

But if defendant was not a purchaser, what was he? According to his own testimony as above shown he was employed to sell on commission and this is corroborated by letters from both parties (Ex. 14; defendant's letter of Sept. 25, 1920). Elsewhere in plaintiff's correspondence this item of commission seems to be referred to as "discount" but apparently it is the same item and the difference may be due to the fact that plaintiff himself does not claim to know the terms of the arrangement with defendant, having left that to Pomeroy. At any rate there appears to be nothing in the correspondence inconsistent with defendant's claim that he sold the goods on commission with the obligation to remit the proceeds of sales at once. He does not appear, nor does he claim, to have been a *general* agent with a power of attorney and with the duty of making regular monthly reports tho he testifies that he did report sales and turn his books over to plaintiff who asked for no further reports. It also appears that plaintiff furnished defendant with stationery (Ex. 31) and advertising matter (Ex. 25), that plaintiff's firm name appeared on the sign of the office used by defendant in Harbin and that defendant's name as agent appeared on the stationery. In the account presented by plaintiff (Ex. J) defendant is credited with $350.00 for office rent; but plaintiff would hardly pay that item for a mere customer. In one of Pomeroy's letters (Ex. 31) he states reasons for not giving defendant an "allowance" which he had requested and there is no suggestion in the statement of what would have been a conclusive reason, viz., that defendant was nothing but a customer.

This being purely an action of replevin, plaintiff is limited to the relief prayed for, viz, a judgment for the recovery of the goods, for the value of such as were not recovered and in addition for damages "connected with and incident to the contest over possession of the property."[2] Of that described in plaintiff's affidavit in replevin, the three consignments of September 15 and 24 and October 5 are shown to have been sold by defendant and the proceeds remitted (Exhibits 1-3). From the officer's return to the writ of replevin it further appears that three more items were recovered by plaintiff, viz, 20 large cases, 5 small cases and 26 cases. What was the value of the property unsold and unrecovered? This was a fact for plaintiff to prove, even tho defendant had failed to deny it[3] which he did not; but we find no evidence whatever on that point. Plaintiff has proceeded on the assumption that, after subtracting the proceeds of the sale of the recovered portion from the total invoice prices, the difference would represent the value of the unrecovered part. But this assumption is untenable for several reasons. The invoices do not in all cases represent actual value for there is undisputed evidence of damage and shortage (see Exhibits 9-12 inclusive, being Lloyd's Surveys) and defendant testifies without contradiction that the short-shipments amounted to $921.00 and that he returned as unsalable 26 cases of damaged cargo invoiced at $397.80. Again, while plaintiff (p. 3) states the value of the goods returned as "about Yen 5,000, defendant testifies that it was $9,341, while the accountants whom he employed fixed it at even more. Plaintiff bases his testimony upon the amount received for the goods upon sale after recovery. The circumstances attending that sale are not given and plaintiff's counsel is mistaken in stating that it was under the court's order. No order of sale is needed in replevin for the reason that the owner acquires possession by the writ and he must already have title. Whatever sale of these recovered goods took place was purely plaintiff's affair and it would be manifestly unfair to charge defendant on the one hand with the invoice price and to credit him on the other with nothing more than the proceeds of a sale made long afterward and under circumstances undisclosed. Had defendant been, as plaintiff now claims, a purchaser, it would have been perfectly proper to adjust the account in this way; but since he claims the goods as his own the only pecuniary amount for which defendant is liable is the actual value of the portion which plaintiff is unable to recover from him. The statute[4] under which plaintiff proceeded required him to state in his affidavit "the actual value of the property." This he failed to do nor has he supplied the defect by offering any competent evidence as to the actual value of that not recovered. We are consequently unable to arrive at a finding or to render a judgment for that item.

A third element in judgments of this character may be an award of damages for wrongful detention which must of course be established by competent proof.[5] But nothing of this kind is shown in the case

1. Court Regulations, Sec. 43. See Bahlke v. Brown, 1 Extrater. Cases, 340.

2. Schrandt v. Young, 62 Nebr. 254, 86 N. W. 1085; Cyc. XXXIV 1560, Note 13.
3. Jenkins v. Steanka, 19 Wis. 126, 88 Am. Dec. 675.
4. Act of Congress of June 6, 1900, 31 U. S. Stat. at Large, Sess. I Ch. 786, Sec. 124 (5), p. 351.
5. Mann v. Grove, 4 Heisk. (Tenn.) 403.

(To be continued next week)